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The fourth issue (June 1960) will deal with the problems of underdeveloped countries, and the fifth issue (September 1960), with those of peace and pacifism.

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HEINRICH A. ROMMEN

Towards the Internationalization of Human Rights

About fifteen years ago, during the last years of the Second World War and under the direct impressions of the millionfold forms of cruelty of totalitarian regimes and ideologically inspired warfare, many thoughtful and responsible persons pleaded for deepgoing changes and reforms in the community of nations, involved, as it were, in its most cruel civil war, with all that this term connotes. Wendell Wilkie, onetime unsuccessful candidate for the U.S. Presidency, pleaded for the legal acknowledgement of what he believed to be 'One World'. Numerous writers rejected the principle of souvereignty as useless, antiquated, and as an irrational obstacle to a new form of international life; others condemned nationalism as connected with sovereignty as an outmoded form inimical to the trends of the times and to the new organization of the international community which they felt was needed. Serious and learned scholars associated, discussed, and published a World Constitution. The London Agreement bound the nations fighting against the Axis powers to establish an International Military Tribunal for the prosecution and punishment of leaders in Germany for the crime committed against peace by instigating aggressive war and for crimes against humanity, in the hope that the decision of this Tribunal might be the first step in the development of an international criminal law and of an international criminal court. Aware of the failure of the League of Nations and certain weaknesses of its Covenant, e.g. its lack of universality, and its procedures, leading statesmen as well as the public opinion of the world demanded and worked for the establishment of the

United Nations as an organization of the world even before the world war was ended by the debellation of Germany and Japan (Conference on the U.N. Charter, San Francisco, April 25 to June 26, 1945). The nightmare of the world war gone with the unconditional surrender of Germany and Japan in May and August 1945, the liberation of the occupied nations accomplished (with the exception of the Baltic States and the states in Eastern Europe which had been occupied more recently by the Russian Army, the future — despite the first use of atom bombs — seemed clear and promising.

But within a few years it became clear that the future looked different. In the matter of sovereignty, the new onetime colonial nations often showed an excessive sensitivity and the grave antagonism (cold war) between the countries led by the USSR and later also by China on the one hand and the 'Free Nations' on the other hand, with the neutral nations forming neither a *tertius gaudens* nor a true mediator, made the sovereignty of this or that nation an issue that was forever stressed anew. And this despite the fact that e.g. the U.N. Atomic Energy Commission's Third Report (of May 17, 1948, Section II) affirmed: 'The majority of the Commission is fully aware of the impact of its place (of international control) on traditional prerogatives of national sovereignty. But in the face of the realities of the problem it sees no alternative to the voluntary sharing by nations of their sovereignty in this field — which will meet the facts and prevent national rivalries in this most dangerous field'; despite the fact that not one serious international jurist would question the statement: 'Unlimited sovereignty is no longer automatically accepted as the most prized possession or even as a desirable attribute' ([1]); despite the fact that the older nations (e.g. Italy, France, West Germany, and others) all expressly accept limitations of sovereignty necessary for the organization and defense of peace. In the matter of nationalism we see the older European nations burying their former jealousies, setting up economic organizations, and establishing the first *working* Commission on Human Rights,

([1]) Philip C. Jessup, *A Modern Law of Nations,* New York, 1949, p. 1.

while the younger nations are extremely sensitive and their intellectuals revel in translating and spreading the fervent and outdated literary products of nineteenth century European nationalism. Though the primary end of the U.N. Charter is 'to strengthen the faith in fundamental human rights, the dignity and value of the human person', and though on Dec. 10, 1948 the U.N. Assembly proclaimed the Universal Declaration of Human Rights, the Conventions which are meant to give the Declaration the legally binding form are still — eleven years later — in the state of deliberation and there seems to be little enthusiasm among the representatives and among the nations to accelerate the process codifying the Declaration. And, finally, in the matter of one world, we see a grand polarisation of the world into worlds which constantly seem to be at the brink of war, with limited conflicts or police actions greater than the France-Prussian war of 1870/71 breaking out now and then. A general apathy of the citizenry in even the democratic countries, in which the co-activity and co-responsibility of the citizens is the very constitutional essence of their form of government, is only too marked. The interest in the Great Issues of fifteen years ago has become an affair of the governments and of small, still enthusiastic groups. At least so it seems under the impact of the 'new political realism in international affairs' which meanwhile followed the enthusiasm of the past. In the U.S.A. we experienced a rise of nationalism in the Connally Amendment which practically discarded the jurisdiction of the International Court of Justice. Here we also witnessed the propaganda for the Bricker Amendment which would have buried a proud tradition of the Constitution (Art. VI, 2) according to which 'all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land'. We saw also the *grande peur des bien pensants* which was ready to sacrifice the great tradition of the inviolable Bill of Rights to an irrational craving for absolute security against Communism. The aforementioned apathy is widespread, *mirabile dictu,* even among Catholic Christians despite the fact that Pius XII was an outspoken intellectual and spiritual leader in all efforts of promoting peace, international law

and organization, the promotion and legal protection of human rights, etc.; one has only to read the two hundred pages in Utz-Groner, *Aufbau und Entfaltung des gesellschaftlichen Lebens*, II, Bd., 1954, in order to recognize this and to realize that the apathy, the fear, and the withdrawing from responsibility is wholly misplaced even in the face of the New Policy and Diplomacy of the cold war, in the disappointment over the unfulfilled, perhaps unfulfillable, hopes of fifteen years ago. For actually, though scarcely known to the sensationalism of ideological conflict and cold war, a new *jus gentium* is in process of formation the acknowledgement of the Rule of Law and the respect for human rights and their internationalization — though slowly — increasing as the following pages will try to show.

II

By this new *jus gentium*, which is used here as Gajus defined it, namely that almost all nations use it (*quasi quo jure omnes gentes utuntur*) is meant a set of legal institutes in constitutional, civil, and criminal law which in their organic unity correspond to the older term 'civilized nations' and which, as a general 'Kulturrecht', are ordered around a hierarchy of values. The latter culminates in the supreme value of the dignity of the person in relation to which all the institutes of this new *jus gentium* must be understood to receive their true meaning. If what is sketchily represented in the following pages is true, then it will be much easier to 'internationalise' also formally what is already part and parcel of almost all municipal or national law systems — at least in the non-totalitarian countries.

The legal institutions that deserve primary consideration are characterized best by the following terms: democracy, rule of law, human rights; they are intrinsically interrelated and together they constitute the kernel of this new *jus gentium (quo jure fere omnes gentes utuntur)*. They correspond to profound longings of men and women throughout the world in the

European and American nations in which they have inspired, for several generations, the middle classes and the rising working people and now inspire the minorities, e.g. the Negroes in the U.S.A. as well as the millions in the one-time colonial nations in their hunger and thirst for justice. They correspond also to the fact that science, technology (industry) and modern political and economic thinking wich have become trans-national, form an inchoate world civilization and world economy. This necessitates acceptance of the specific legal institutions which were first developed in Europe, the continent of the origin of science, of technology (industry), and of politics applied in such a way as to change the whole pattern of life. Thus two generations ago, Japan, the first free non-European nation which appropriated the science, technology and economics of Europe, also accepted with it the civil and commercial law of European nations (by translation in a twofold meaning). Other legal institutions, such as the law of credit-instruments, of contract, of social legislation and labor law, of trade unionism and collective bargaining, of agricultural cooperatives, are also 'translated' into the life of the new nations who industrialize themselves. On the other hand, the two great legal systems of Europe, the Anglo-American common law and the national codes that were inspired by the Roman law in the Latin countries of Europe and America, are today nearer to each other than ever before; for the tremendous expansion of statute law as well as administrative law has constantly narrowed the old historical differences between these two great products of the European juridical genius. While still fifty years ago comparative civil, criminal, procedural, trade, and social law showed truly great differences between these systems, studies of comparative law today show clearly that these differences diminish by a slow process of mutual borrowings and adaptations. Today it may be said with confidence that these two systems, taken each as a whole, are much more similar to each other than they are different. This means that many of their institutions, though differing in origin and historical development, have today become similar enough to form in these particular legal disciplines a new *jus gentium* which makes its

transformation into international law by conventions possible, as e.g. international labor and social law as well as trade and tariff law prove. Today, consequently, no serious law school will omit courses in international and comparative trade regulations and economic law. We see developing under our eyes a 'koine' inspired by the same ultimate ideas, by the spreading of applied science and industry in their trans-national equiformity, by the modern means of communications developing an up to now impossible mutual understanding through exchange of person and artistic and intellectual products. True, all these may be abused against the 'koine' by ambitious political tyrants, as Hitler proved; but they may be used even more easily to produce that spiritual, moral, and civilisatory homogeneity which forms the understructure for a future, also politically federated, 'koine'.

III

More even than in civil and commercial law, this new *jus gentium* may be found in those intimately related legal institutions which are termed democracy, rule of law, and human rights.

Like most political terms, democracy, too, is a many-faced term. Nevertheless it is possible to define some essential elements which have met with universal consent. First: democracy means a principle of legitimacy; all jurisdiction actually exercised by public officials, representatives, legislatures, and courts, derives from the People or Nation and is, by various means, accountable to the people as electorate and as the bearer of public opinion. Constitutions express this by asserting in the preamble that 'We, the People, ordain this constitution' and by an initial article stating that political authority is derived from the people, from the consent of the nation or a similar formulation; and that the courts exercise their jurisdiction in the name of the people. The exercise of political authority is thus derived from the people and is accountable and responsible to the people, the ultimate sovereign. The consensus of

the people, formalized in various ways, directly through referenda, plebiscites, indirectly through free elections based on broad, even universal suffrage, and representation, is the source of legitimacy of government. The meaning of these institutions is that the vital decisions of public authority shall be based on, and arise from, the consensus of the people produced by persuasion as the result of free and public discussion, as opposed to coercion and violent force. Democracy also means the absence of legal inheritable privileges, and equality before the law — in Jefferson's famous phrase: with privileges to none, with equal rights to all; thus democracy need not be mechanically egalitarian in social and economic matters. It does not demand that the judge of the highest court be no better paid than the janitor or the policeman; but all three are equal before the common law and enjoy the equal protection of the law. Characteristic of democracy are three related values: liberty and its maximalisation under the law (²), civic friendship, that is a mutual respect and a brotherly affection of each citizen for his fellow-citizens and, consequently, an honest and sincere tolerance for opinions and policies deviating from the just prevailing common opinion, i.e. respect for, and security of, social, political and legal minorities. This is essential for political democracy, since we do not believe that the majority opinion is *in se,* metaphysically, as it were, always true and right. Lord Acton's answer to a student's question, how one could find out whether a country were democratic, is still right: 'Ask the minorities how secure they feel'. Democracy implies 'free society'. Democracy is constitutional government,

(²) That liberty is characteristic of democracy was already recognized by the Greeks; cf. Pericles' funeral oration (THUCYDIDES, *Pelopponnesian War,* vol. I, pp. 127-130 in Jowett's translation, Oxford, 1900) where also *philia,* civic friendship and tolerance, are praised as noted marks of democracy. See also ARISTOTLE's *Politics*: 'The basis of a democratic state is liberty which according to the common opinion of men, can only be enjoyed in such a state'. (Jowett's translation, New York, Modern Library, 1943, p. 139). See also Cicero: 'In no other state, save where the power of the people predominates has liberty any home. Liberty is the sweetest of all blessings, and which, if it is not equal to all, is not liberty.' (*The Republic,* Featherstonhaugh transl., New York, 1929, p. 60).

limiting and formalizing the exercise of political authority with its inevitable privilege of enforcing the law by the use of power in its legitimized forms. But it reaches this end by the active participation of the citizens, by their formal consent. Democracy, despite the original philological sense of the word, is not mass rule nor omnipotent majoritarian rule. It recognizes a higher law above the majority decision, which is the legal basis and the critical norm for this decision. That is the constitution and its value table usually expressed in the preamble — and in the bill of rights or in fundamental rights. Essential to the term democracy is an *effective* catalogue of personal rights for everyone and political rights for the citizen. This 'Bill of Rights', 'Charter of liberties and immunities', as the older terms, stemming from the Middle Ages, have it, may be found also in monarchical constitutions of the past century, but no democratic constitution is without them today; even the constitutions of totalitarian democracies, the U.S.S.R., the People's Democracies, often contain elaborate Bills of Rights, their only fault being that they are not effective. Their content may change. In the medieval charters we find no provision for 'freedom of religion' because no pluralism of religious association was prevalent; just as there was no freedom of the press. But there is in all Bills of Right throughout history a catalogue of substantive and procedural rights circumscribing a sphere of freedom and self-initiative for the person and for groups of persons with which political authority may not interfere; and if it claims it ought, in the interest of the common good or for the protection of the equal rights of others, to interfere, its interference is subject to highly formalized procedural rules over which independent courts as guardians of the Bill of Rights jealously watch.

These, then, are the two essential features of 'democracy', the consent of those subject to political authority in the decisions of the latter and its responsibility to the citizenry in periodical free elections and to a free public opinion plus the substantive and procedural limitations of political authority by the bill of rights ([3]).

([3]) Usually not all the fundamental rights are contained in the formal bill

Democracy in the sense just described has spread after the first world war all through Europe and after the second world war all through the once colonial countries; scarcely any other form of government has survived and none of them has a chance in Africa. It would be folly, of course, despite our stressing of the universality of democratic legitimacy, to overlook the fact that the totalitarian 'democracies' do not recognize the real effectiveness of the bill of rights nor that they are really accountable to a free electorate and a freely formed public opinion. Nor is there any certainty that the 'new nations' undergoing the grand but difficult experience of democratic rule will be successful, i.e. that they will develop the particular civil virtues of rulers and ruled which make democracy work. It is, however, contended that democracy as a principle of legitimacy and the essential features of democratic constitutionalism present a *jus politicum* or *constitutionale quo fere omnes gentes utuntur,* at least in intent and hope. A further strengthening of democracy we find also in the spreading of an institution which grew up in the judge-made common law in England and in the proud consciousness of the judges as guardians of the rights of Englishmen, an institution which wandered over the Atlantic and made the Supreme Court of the U.S.A. the guardian of the constitution. Today we find that many new constitutions — though not in its land of origin, in England, where tradition is the guardian — establish constitutional courts as guardians of the constitution and especially of the bill of rights particularly against legislative majorities which, according to Jefferson, may be as tyrannical as an individual ruler. With the — to a degree inevitable — growth of the administrative state, of independent administrative boards

of rights; in the U.S. constitution we do find, for example, the right to *habeas corpus,* the prohibition of *ex post facto* laws (Art. 1, 8 and 10) and the extremely important rule that treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony for two witnesses to the same overt act, or on confession in open court (Art. III, 3). The importance of this constitutional provision cannot be overlooked in relation to the question of 'limited government'.

and commissions and their bureaucracies, this access of the citizenry to independent courts and their review of discretionary if not arbitrary acts of that bureaucracy becomes even more important.

IV

One may characterise all that has been said above about universal trends to and in 'democracy' as curbing government in its legislative, executive-administrative functions under the 'rule of law'. As a matter of fact, this is also in the process of becoming part and parcel of the new *jus gentium*. The International Commission of Jurists, established at the First International Congress of Jurists and domiciled at The Hague, 'seeks to foster understanding of and for the rule of law', or what in German is meant by the *Rechtsstaat* (*Recht* being a term broader than *Gesetz* or law) as the product of the legislature, containing 'fundamental principles of justice', an 'Ur-Rechtsordnung' (Weinkauff) or 'Naturrecht', or the 'übereinstimmende Rechtsbewusstsein aller zivilisierten Völker', i.e. a *jus gentium*. The rule of law is defined as 'adherence to those institutions and procedures, not always identical, but broadly similar, which experience and tradition in different countries of the world, often having themselves varying political structures and economic backgrounds, have shown to be essential to protect the individual from arbitrary government and to enable him to enjoy the dignity of man'. The rule of law is 'not a purely formal and legalistic conception but presupposes the acceptance of certain fundamental values in the structure of government and the legal system' ([4]).

Resting on these common principles generally accepted over a wide part of the world, 'the rule or law will work, if those who at all levels are concerned with it themselves accept these values not only under legal restraint but also by force of public opinion, professionnal traditions and their own moral disci-

([4]) *Journal of the International Commission of Jurists*, vol. I, n° 1, p. 6; n° 2, p. 154.

pline'. It is quite clear that the rule of law plays — and has played — 'a most important role in criminal law, where fundamental human values are in issue' ([5]). All tyrannies — to avoid the more familiar but not quite appropriate term dictatorships — start with abolishing the specific procedural rules and rights which protect the personal liberty, the home and one's property or work and profession by emergency decree, or by redefining once permitted acts as criminal and abolishing the rule against *ex post facto* laws, or setting up special criminal courts with a new judiciary wholly dependent on the will of the tyrant. The rules of criminal procedure and the rights of the accused are once and for all the best test of the rights enjoyed by the person and the citizen. Rightly Montesquieu says that the rules to be followed by penal justice interest mankind more than any other thing in the world.

The Commission has issued numerous general bulletins and statements of national sections on the rule of law. Nobody can read these many statements without becoming aware of the wide consensus of criminal codes and criminal jurisdiction, of the right of the accused to a fair and open trial, of the prohibition of pressures, not to speak of refined methods of torture, of the right to be represented by counsel, to be judged before his legal court. It lacks not a certain irony when Nikita Khrushchev in his meanwhile famous address to the XX. Party Congress criticizes Stalin (and the meanwhile executed Beria) for having ordered torture ('beat and once again beat') to extort confessions for crimes never committed and thus 'taking away his (the wantonly accused person's) dignity'; or that, in spite of Section 127 of the Constitution many old party members were arrested in 1938 without the approval of at least the public prosecutors ([6]). On the other hand, with the 'thaw' in Russia and Poland the jurists of these countries began at once to demand, with a degree of boldness unprecedented since the

([5]) *Ibid*, n° 2, p. 155.

([6]) *Journal*, p. 271 ff. (article on judicial procedure in the Soviet Union and in Eastern Europe by Gsovski and Grzybowski; cf. the same authors, *Governments, Law and Courts in the Soviet Union and Eastern Europe*, London, 1959.

beginning of the Stalin regime, socialist legality, i.e., the protection of the rights of the individual against the State and its organs in the administration of penal justice; they proposed that the accused be considered innocent until proven guilty and that confessions may not be used as the sole basis of a conviction; that the decisions of administrative organs 'do not provide at times sufficient guarantees for the rights of the personality' ([7]). Jurists in Poland after the 'thaw' also complained bitterly of 'brutal breaches of the principles of people's legality... by arrests of innocent people and unlawful detention'; that in many cases units of the Security Service, instead of attempting to determine the truth objectively had distorted evidence to fit false charges prepared beforehand ([8]). The Association of Polish Lawyers approved a resolution 'to strengthen the rights of defense, of honor and dignity of the citizen against all categories of unlawful attack'. A member of the Sjem and professor of law insisted on genuine independence of judges and on their irremovability. Others demanded that only the courts should have the power to order the arrest of citizens. Also another law professor demanded that chapter 1 of the constitution, on the fundamental rights and duties of citizens, should be more strictly and more precisely formulated, so that it might become impossible for the Sjem (the legislature) and the Council of State to infringe these freedoms by passing laws or decrees curtailing them. The present Procurator General supported this; the constitutional bill of rights should protect the citizen against attacks by the legislature on civil rights. In April, Professor Hochféld complained in *Nowe Drogi* (April 1957, no. 4) that the lack of rights and democratic freedom 'demoralizes the (Communist) Party and causes degeneration... destroys culture and undermines learning'. He considers as 'one of the important factors ensuring these rights and democratic freedoms the parliamentary system which is the historically

([7]) Cf. D. A. Loeber, *Sozialistische Gesetzlichkeit im Zeichen des XX. Parteikongresses der KPdSU*, in *Osteuropa-Recht*, Oct. 1956, p. 243 ff.; and the aforementioned authors in *Journal*, vol. I, n° 1, p. 59 ff.

([8]) In the official organ of the Polish United Workers Party, *Nowe Drogi*, February 1955.

tested weapon of defense against arbitrariness of rulers'. Nothing could prove the actual *jus gentium* character of the rule of law better than these testimonies from the U.S.S.R. and the Poland of today; as soon as the slightest degree of freedom and criticism was permitted behind the Iron Curtain, jurists reaffirmed their age-old '*sacerdotium*' as the Roman law said of the rule of law.

V

The rule of law, the idea of the *Rechtsstaat*, have a more than formalistic meaning only if, by 'law' and *Recht*, substantial and fundamental values are meant. Up to now we have not mentioned *natural* law and *natural* rights. But it is clear that these are meant as the substantive content of the terms 'law' and *Recht*; for it is again characteristic that, like the old *jus gentium* was 'constituted by natural reason' and that this 'naturalness' is the reason for the universality of the rules of the *jus gentium*, so also the new *jus gentium* seems to be constituted by natural reason as the catalyst producing this wide, nay, universal consensus on common principles of law and justice throughout the world. This is in agreement with the revival of natural law thinking in the older nations which have experienced the defencelessness in which the all too positivist adage 'law is law' leaves the jurist, as Gustav Radbruch said (9). The terrible disregard, the contempt and massive destruction of human rights which we have experienced, has made it clear even to the most cynical that a mere positivist interpretation of human rights, namely that they are constituted wholly by the state, the human legislator, and are thus at his disposal, is wholly insufficient. These rights are '*überpositiv*', and, in relation to the state, '*vorgegeben*'. They are, as it was expressed by jurists and philosophers for millenia, 'natural rights'. Though the awareness and knowledge of them may change from era to era, and though there prevails a 'development' of their being

(9) *Rechtsphilosophie*, 4. ed. by Erich Wolf, Stuttgart, 1950, p. 347.

consciously and positively grasped and also a recession depending on historical circumstances, one thing is certain: they have never wholly faded from human consciousness, especially not in Western civilisation, so profoundly formed by Christianity, although their foundation is natural reason. As '*gelebtes Naturrecht*' (in Fritz Kern's pregnant formulation) they live in the consciousness of primitive nations; as thought and rationally grasped essentials of '*Naturrecht*' they have a long genealogy in Western philosophical thinking — and not only there. In our times they are, as was said above, part and parcel of all constitutions; and the U.N. Charter, in its preamble reaffirming 'faith in fundamental human rights, in the dignity and worth of the human person', makes promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion' one of the purposes of the U. N. Art. 1, 3). The General Assembly shall initiate studies and assist in the realization of human rights, etc. (Art 13, b); and Art. 55 declares that 'the U.N. shall promote universal respect for, and observance of, human rights and fundamental freedoms'; while Article 56 says that 'all members pledge themselves to take joint and separate action for the achievement of the purposes set forth in Art. 55. Again, Art.76 on trusteeship declares as a basic objective of the latter 'c) to encourage respect for human rights and for fundamental freedoms for all'. In partial fulfillment of these obligations the Commission on Human Rights set up by the Social and Economic Council (Art. 68) prepared a Universal Declaration of Human Rights which was proclaimed by the General Assembly as a standard of achievement and to the end to secure their universal and effective recognition and observance both among the peoples of the member states themselves and among the peoples of territories under their jurisdiction' — on December 10, 1948, by a vote of 48 to 0, the U.S.S.R. and its satellites, Yugoslavia, Saudi Arabia, and the Union of South Africa for transparent reasons abstaining' ([10]).

([10]) The authorized text is contained in the Official Records of the Third Session of the General Assembly, Doc. A/810.

With this Universal Declaration, though it lacks a legally enforceable character and is no juridical norm to be applied by judges, the history of man's striving for freedom and security from arbitrary government reached a high point. Together with the respective articles of the U.N. charter, the Declaration marked a great enrichment of the new *jus gentium,* though not yet of international law. This task — the internationalisation of human rights in the form of a legally binding covenant or covenants — is still to be done to realize world justice. Before we go into the disappointing record of the attempts to formulate the covenants on human rights and to get them accepted by the General Assembly, we might pause to reflect briefly on the history of human rights and the moving ideas behind and in that history.

The genealogy of human rights goes back to the first dawn of philosophical effort. Thus this idea of human rights, not simply rights of Greeks, is inchoate in some sophists: so for Hippias and Alkidamas. The former refuses to accept the basic distinction between Greeks and barbarians, since all men are by nature related to each other and fellowcitizens, though man-made laws do not recognize it. The latter holds that all men are created free by the Godhead and nature has made none a slave; that again is a product of man-made, arbitrary law serving class interests, and not of a natural unwritten law. Two ideas thus appear already in the thinking of the Greeks: the idea of the liberty and equality of all rational beings based on the nature of man, and the idea of a *civitas maxima,* a *cosmopolis,* transcending the polis and the nation, that is, mankind ([11]). A great step forward in the idea of human rights is made by the natural law theory of the Stoa, especially the later Roman Stoa and by Cicero, Epictetus and Seneca, who gained influence on Roman law and led to legislation humanising the troubling institution of slavery, in contradistinction to the 'natural law' theory of Aristotle, according to which some men are slaves by nature. The reason for this indubitably great progress (Ro-

([11]) Cf. my *Droit Naturel, histoire - doctrine,* transl. from the German by Emile Marmy, Paris, 1945, pp. 21 ff. Also: Alfred Verdross, *Abenländische Rechtsphilosophie,* Wien, 1959.

man law said that all men are born free and equal) lies in the fact that to the Greeks and especially to Plato and Aristotle man reaches his ultimate perfection, his *'telos'*, in the *polis* as a citizen thereof, so that the *polis* is the great pedagogue, citizenship in the best *polis* the highest *'telos'*. The *polis* and its divine cult is the last and highest value ([12]). The Stoa but also the moderate sophists conceived of mankind as transcending the *polis* and thus man did so also as a member of a higher realm, the *civitas maxima*. With the historical appearance of the Church Universal, for Jews and *omnes gentes* alike, a wholly new dimension opens for the idea of human rights more as a necessary consequence than as an intentional revolutionary action. For a radical change in political reality as well as in the value of the state as initiated by the Stoa is here realized: the pluralism of the states and of national cultures is complemented by the unity and universality of the Church. After repudiating «political Augustinianism» in the form of the *sacrum imperium*, (i.e. the world monarchy) by introducing — and making the necessary changes in — the Aristotelian Politics, the state, though retaining its value and dignity as a product of human social nature, is de-sacralized and becomes a temporal-natural institution with a relative end and value. Man excels by being a member of mankind the true partner of the world church and by being a member of the latter he transcends, in Verdross' excellent phrase, not only horizontally but also vertically the state, the competence of wich is now essentially limited by the church. Man discontinues to be only a citizen, he gains a new *status* as a member of the church. In addition it was characteristic for the Christian Middle Ages to establish the family and the many intermediary groups of vocational, neghborly, religious-charitable character as protective screens between the individual person and the state which began — not least because of the reception of the Aristotelian *Politics* — to develop into the sovereign nation-state. And in contradistinction to still popular views, it was the Middle Ages

([12]) My *Droit Naturel*, p. 52; also VERDROSS, *op.cit.*, who is of the same opinion.

and not the Enlightenment which gave birth to the first chartered rights and then to the natural rights ([13]). The theory of the latter was elaborated after man's unquenchable thirst for secure liberty had already secured, in a most pragmatic way and in all parts of Christian Europe, numerous charters of liberties and franchises, of privileges and immunities, granted by princes for political reasons or for the populating of newly formed cities, 'bought' by the payment of a tribute by the citizens of older cities, or obtained by rebellion like the *Magna Conjuratio pro Libertate* from the Prince-Archbishop by the citizens of Cologne in 1112 A.D. The best known of these many charters — because it was incorporated into the common law — is the *Magna Charta*. But it is neither the best nor the most democratic, because it was, for the most part, only the lower feudal ranks who were protected by it since they together with the burghers of the few cities were alone the *homines libri* to whom the chapters beginning with *omnis homo liber* applied. Many of the charters applied to rich and poor alike. Some of the procedural rights are of canon law origin; thus the Eighth Council of Toledo (683 A.D.) ordained 'that nobody may be arrested, tortured, condemned to death or deprived of his honor without clear proof of his guilt' which alwost literally reappears in Article 39 of *Magna Charta* (1215 A.D.) All over Christian Europe, from Spain during the reconquista to the northern and eastern regions, spread these charters mostly granted to towns and cities, but also to the inhabitants of a whole territory like Flanders (*Joyeuse Entrée*). These rights though often clothed in the language of feudal law, were truly *jura singulorum*, subjective rights, which is proven by the fact that they continued to be valid against the 'sovereign' power of the city or region after it had shaken off feudal bonds. A great role in these charters was played by the freeing (*libertare, affranchire*) from typically feudal burdens and charges like freedom to marry, from personnal service in the lord's manor, from taxes at the occasion of death and inheritance,

([13]) See my essay on *'The Genealogy of Natural Rights'*, in *Thought* (New York), vol. XXIX (1954), 403-425.

etc. The many serfs acquired freedom. Burghers of towns are granted freedom from *irrationabilis et superstitiosa exactio.* They are entitled to sell their movable and immovable property and to move freely, to be free from military service, etc. People seemed to be most interested in procedural rights (the rule of law par exellence). They were often granted the right to be tried only by courts of the city (*jus de non evocandi*).

Nobody *(cujuslibet condicionis)* may be deprived of life or property or suffer damage to his body *sine legali judicio,* or *sine debito processo juris.* An institution similar to *habeas corpus* was widespread; nobody, says the Cautela in Flanders, may be arrested or kept in jail without the judgment of the court; nobody, furthermore, may be arrested without proven cause (*de re probata*). Searches by the police in houses against the will of landlord or tenant are forbidden. Even Jews were in the full enjoyment of most of these liberties ([14]). The *Sachsenspiegel,* Eike von Repgow's masterwork (1322), therefore recognizes equality before the law for Jews, heretics, and heathens, along with Christians, in the protection of life, property and human dignity. In Eike's eyes 'slavery and serfdom have their origin in unrighteousness. They have been introduced by force which, in earlier times, was regarded as unlawful custom but now wants to be taken for law' (III, 42, 6). In the literature of the Peasant War servitude is considered to be against divine and natural law; it is an unbearable crime for a Christian to say to another Christian: 'Thou art mine' (Reformation of Emperor Sigismund, 1480 A.D.) The famous Twelve Articles of the Peasants of 1525 A.D. contain a condemnation of serfdom as unchristian and as against divine and natural law; 'we are free and we will be free'. Article 9 demanded a fair trial and impartial and equal justice in all criminal cases. Thus the famous *Magna Charta* of England had many companions all through the Middle Ages, some of them more liberal and concerning many more citizens.

It is no wonder that some schoolmen, becoming aware of

([14]) Guido Kisch, *The Jews in Medieval Germany,* Chicago, 1949, pp. 142, 181 ff., 343.

these charters, of these pragmatic attempts of citizens and even of the peasants to limit the jurisdiction of their rulers, should try to give them a philosophical foundation. One of them was the English-born William of Occam. While Thomas Aquinas uses the term *jus naturale* predominantly in the sense of objective norms limiting political authority, because the *jus naturale* binds both authority and subject and thus becomes the basis of resistance against authority which has become tyrannical, Occam distinguishes between natural law as *dictamen rectae rationis* and *jura naturalia* in the subjective sense which he defines as *licitae potestates* or *facultates;* he also calls them *libertates* which he distinguishes from *licentiae,* revocable *ad libitum* by a superior; the first give the bearer the right to sue for their violation before a court of law. Liberty and property are, for Occam, the eminent *jura naturalia;* the rational creature is essentially distinguished by his liberty which expresses his independence, his mastership over his acts, his self-determinateness; liberty is the principle of volition. Man loses his liberty by surrendering it voluntarily or *ex justa causa et culpa.* Thus nobody may be deprived of his *libertas* without his consent or without just cause and culpability. Similarly, property which, Occam says, is, after the Fall, also a *dictamen rectae rationis* and given to mankind by God, is a *jus naturale* of which nobody may be deprived without his consent or without just and reasonable cause. In other words, it may be defended in courts of law. These natural rights, together with the chartered or granted rights, give to the holder the *potestas vindicandi in judicio* and they are thus protected against any arbitrary act of political authority. It follows, too, that all forms of human servitude are merely *jure humano,* never in any way *jure naturali.* In their *critique* of the colonial method of the Spanish in the lands of the Indians, the theologians of the sixteenth and seventeeth centuries again stressed these *jura naturalia* and their internationally valid character. By nature, says Suarez, man has *plenum dominium suae libertatis.* Nature has made man *positive* free with an intrinsic right to freedom, it did not make him slave. Property also, though not as yet called a direct natural law

institution, is nevertheless introduced *instigante natura,* a right of which nobody may be deprived without his consent or without just cause; and this is valid also for the Indians. The theory that a ruler could arbitrarily confiscate the property of a person or change the law of property he calls most absurd and against the right given to every man by nature.

The genealogy of natural rights thus dates farther back in history than is usually thought. That one could forget this must be ascribed to the almost complete victory of absolutism in the seventeenth and eighteenth centuries, with the exception of England where great judges continued the older doctrine and declared that natural law and natural rights are part and parcel of the common law of England. In England — and in its American colonies — in the great fight for religious freedom, the Levellers and some thinkers in New England, to protect themselves more efficiently against arbitrary government, understructured the traditional birthrights of Englishmen in their origin of positive legal character by the doctrine of inalienable natural rights, to support their resistance against absolutist tendencies of their government. On the continent, the highly individualist natural law of the Enlightenment and its 'freedom of religion' supported by an outspokenly rationalist deism, became the ruling political doctrine for the anti-absolutist bourgeois revolutions. Thus the new bills of rights became an essential part of all modern constitutions.

Though the Spanish theologians already insisted that natural rights were relevant in the *jus inter gentes* and were to be observed by the colonial powers, the development of the recognition of human rights in international law was a very slow process, not least because of the rise of nationalism and the jealously guarded principle of legally almost unlimited sovereignty, which practically denied the objective validity of international law. Nevertheless, first in the matter of the protection of religious minorities, and later of national minorities, international treaties tried to protect certain few human rights. Some authors mention here the Treaty of Augsburg of 1555; but it guaranteed only free choice of religion for the princes and cities; the subjects had to follow the rule *cujus regio ejus*

religio, or they had to emigrate. In the Treaty of Westphalia of 1648 a certain degree of religious toleration of dissidents was recognized; and in the Treaties of Oliva 1660, Sweden, Poland and Russia, and of Nijmegen 1678, Holland and France agreed that the cession of territory should not lead to a forced change of religious affiliation (the rule *cujus regio ejus religio* should not apply). Treaties between Turkey and Christian powers often contained clauses obliging Turkey to respect the religion of Christian minorities. The Treaty of Vienna of 1815 contained many clauses guaranteeing religious liberty and civil rights, e.g. for the Union of Belgium and Holland, for the Jews in the German Federation. The Treaty of Berlin, 1878, which recognized the independence of Serbia, Rumania, Montenegro and the autonomy of Bulgaria, enjoined these states to respect and protect the civil and political rights and freedom of religion and worship of their subjects, so did the Treaty of Paris of 1898 with regard to Puerto Rico and the Philippines; and Turkey was obliged to protect the Armenians. None of these treaties created individual human rights of the beneficiaries but only obligations of states which were partners to the treaties; and enforcement was left to the usual diplomatic methods. None of the beneficiaries could on his own initiave lay claim to the protection of his right; he had no *potestas vindicandi in judicio.* When at the end of the first World War, under the principle of self-determination, new states were created and territorial changes made, it became clear at once that many new national minorities would come into existence. Thus upon these new states particular obligations for the protection of their national, linguistic, and religious minorities were imposed by the Treaties of Versailles, of St. Germain, Neuilly, and Trianon; at the same time the League of Nations resp. its organs was charged with the implementation of the obligations resulting from these treaties. But the beneficiaries, the minorities and their members, did not become subjects of international law; violations of their rights were an issue between the violating state and the League. True, the minorities could, in the form of «petitions», inform the League of violations or of the danger of violations, but it was necessary that

one of the member states should make their complaint its own; as such, the minorities had no procedural right to force action by the League. This becomes especially clear by comparison with the procedure enacted by the Geneva Convention on Upper Silesia between Poland and Germany (1922), which contained an elaborate catalogue of civil, political, religious, and cultural rights for their mutual minorities; individuals, or groups, had the right to petition first the Mixed Commission of Upper Silesia for redress against their own government; if they were not satisfied, they could appeal to the Council of the League and, or to the Permanent Court of International Justice ([15]).

The greatest progress in this matter of appeal to international authorities against an alleged violation of a person's human rights is the European Convention on Human Rights and the Commission on Human Rights, the latter establised in May, 1954. The European Convention, in contradistinction to the U. N. Universal Declaration and the resolutions of the General Assembly for the preparation of covenants, does contain the classical rights of the traditional bill of rights, but has abstained from the insertion of social and economic rights, which will increase at least its effectiveness. The Commission may be petitioned for violation of the enumerated rights by one of the High Contracting Parties (not private persons), by the individual person or persons, and nongovernmental organisations having become a victim of such violations. After declaring the complaint admissible and informing the state accused, the commission tries to effect a friendly settlement. It reports to the Committee of Ministers of the Council of Europe. This Committee, deciding by twothirds majority that there has been a violation of the Human Rights Convention, may prescribe measures to be taken. The parties agree to accept such a decision as binding. If the accused state refuses to comply, the Committee publishes the Commission's report and

([15]) We omit, despite their undeniable successes, a sketch of the Mandates System and the work of the I.L.O.; anyway it is clear that neither the individual inhabitants of a mandate under the League's supervision nor an individual worker enjoyed subjective claims for the protection of his rights.

must decide, by the same majority, what action and measures to take, including removal from the Council of Europe. The application for redress may also go to the European Court on Human Rights, recently establised, provided that the accused state has recognized the competency of the Court either for a period or perpetually. Meanwhile the Commission has started its work and the Court was established last year; hundreds of applications have been considered and a great part of them rejected as inadmissible because the petitioner did not exhaust domestic remedies, is not actively legitimised, goes in his complaint beyond the Convention, or is engaged in an activity aimed at the destruction of any of the rights safeguarded by the Convention ([16]). Though it might still be too early to judge, it seems that the European experiment is at once a pilot project and the most promising experiment for the internationalization of human rights because there already existed a European *jus gentium* (in our sense) for several generations.

VI

The Universal Declaration of Human Rights was and is a potent reflection of this already existing new *jus gentium*. It is so not only in its Articles 1-21, which represent more elaborated definitions of the classical bills of rights and establish, especially in Article 21, that principle of democratic legitimacy mentioned in the beginning of this essay; there are also the newer social, economic, and cultural rights in Articles 22-28. These rights are qualitatively different from those of the classical bills of rights, though they follow from them by a certain logic and necessity. The classical rights are all directed against the state as legislative, executive-administrative, and vindictive power. They say what the state in these functions ought not to do at all, or, if the state is to act, in what strict forms and

([16]) Thus a petition by the Communist Party of West Germany appealing from the decree of the German Federal Constitutional Court dissolving the K.P.D. was found inadmissible.

procedures its action should be clothed; they forbid, restrict, restrain the state as the monopolist of power.

The social, economic, and cultural rights, on the contrary, demand positive state action not merely by reason of a discretionary or utilitarian obligation of the state for the general welfare, but as positive rights of citizens to defined, obligatory action by the state. To the right to social security there corresponds the duty of the state to set up the great machinery of social insurance in all its aspects, or — which is obviously better — to create the legal framework for, and an effective supervision of, agencies of social security created by workers and employers according to their vocational group organizations. The right to work implies a positive over-all economic policy of full employment and of the regulation of business cycles. The right to education, again, means that all states have to take over the role of the *Kulturstaat* with all its good and potentially bad features. The makers of the Declaration found, of course, precedents for these rights in the constitutions of European member states. Thus, the Weimar Constitution spoke of *Sozialrechte* and the *Koalitionsrecht* as well as of the right to (limited) social security. While the earlier Lenin Constitution only spoke of social and economic rights of the toilers, the Stalin Constitution of 1936 contains an elaborate catalogue of such rights for every citizen. The minority treaties also contain some of the typical social and economic rights. But as a consequence of the Great Depression, of the rise of totalitarianism, and of the second World War, several new constitutions — e.g. of Italy and of the Fourth French Republic — added to the classical bill of rights social, economic, and cultural rights. Other states, though not distinguishing such rights explicitly, recognize at least some of them in the form of a broader interpretation of certain of the classical rights, for example the U.S.A. and the Bonn Constitution; the latter creating a good base for such interpretation by calling itself a *'sozialer Bundesstaat'* (Art. 20). The difficulty with these rights is that by no means all of them are justiciable, e.g. the right to work. Others, like the right to education, can only mean that the state creates opportunities beyond the elemen-

tary and compulsory level, but leaves the determination of who should be permitted to use these opportunities to impartial boards which declare who is able and willing. The right to a standard of living adequate for the health and well-being of oneself and one's family (Art. 25) is, again, much more an ideal program for social and economic legislation than a right that the citizen can defend in, and ask its realization of, a court of law.

There is little doubt that an internationalization is, *ceteris paribus,* much easier for the classical rights than for the social, economic, and cultural ones. For the true realisation of the latter, though it does not necessarily demand a high degree of industrial development, does demand a high degree of the productivity of labor in factories and farms. It demands also in the 'backward countries', a total change of traditional ways of life, the rapid accumulation of capital by a high (forced) savings rate or by foreign investments, loans, or even grants *à fond perdu.* The aforementioned change in the way of life, unless forced by total planning with all its implied compulsory discipline and enforced direction, is a slow process and can only be accelerated by foreign investments, loans, and grants. That not only political prudence and self-interest should advise the strong and highly developed countries of the free world to follow this line of action is clear. They should also consider doing so as an obligatory application of principles of social justice on a world-wide basis. For historically, in the old countries during earlier industrial capitalism, the accumulation of capital took place by the sweat and the misery of the working masses who could, though they wore the 'legal mask of the free worker', not make much use of the right to life, liberty, and property. They had first to come into the full fruition of the classical rights and of the political rights by means of strong labor movements and by the great social reform movements of a Christian and humanist inspiration before they could ask for social and economic rights.

We are, then, in a kind of dilemma. The communist world attracts the newly liberated and the still backward countries because it seems to be the world in which social, economic,

and cultural rights are realized — but at the price of surrendering the classic personal and political (democratic) rights; on the other hand, these classic rights all too easily seem to the masses of these countries as of little importance if these masses are to avoid, in their own lives, the social misery of the proletarians of early capitalism in the older countries.

This dilemma is, probably, the reason for the fact that the great enthusiasm for the Universal Declaration and the hope for a speedy formulation of draft covenants and their ratification by the U.N. Assembly have faded so much. For, though the U.N. and its organs have not been inactive in the matter of human rights ([17]), work on the covenants in the Commission on Human Rights met great difficulties. True, two covenants — one on the classic civil and political rights, the other on the social, economic and cultural rights — were drafted by the Commission and transmitted to the General Assembly in 1954. These two marked the two kinds of rights in that the covenant of civil and political rights intends to bind the contracting parties unconditionally and immediately, while the other covenant contains only pledges to pursue certain policies ultimately ensuring the enjoyment of these rights by the peoples within their jurisdiction. But the draft covenants rest in the General Assembly. By 1953 the U.S.A. had turned away from the optimism of President Truman, who had said at the closing session of the U.N. Conference in San Francisco on June 26, 1945: 'Under this Charter we have good reason to expect an international bill of rights acceptable to all nations involved. The bill of rights will be as much a part of international life as our own Bill of Rights is a part of our Constitution... Unless we can attain these (human rights and fundamental freedom) for all men and women everywhere, ...we cannot have per-

([17]) See the Genocide Convention, 1948; Convention on the Political Rights of Women, 1952; Convention on the Status of Refugees, the Convention on the Status of Stateless Persons, 1954; the condemnation, by the General Assembly, of Albania and Bulgaria in the matter of the Greek children abducted during the communist attacks on their country, the censuring of the *Apartheid* policy of the Union of South Africa for contravening the Union's obligations under the Charter — to mention only a few instances.

manent peace and security in the world' ([18]). In 1953, under the impact of the Korean War and armistice and the would-be Bricker Amendment, the United States turned away from the method of implementing human rights by treaties and covenants, in favor of persuasion, education, and example. Over this whole matter there lies, naturally, the shadow of the cold war, which polarizes the inchoate world community into two camps with different ideals and value-systems, fearful that anything like the petitions of individual citizens, against their government and pursuant to human rights covenants, could become a powerful propaganda weapon in the great dispute. There also hangs, over the whole matter, the cloud of the new nationalism which makes the younger nations so jealous of their right to a sovereign interpretation of what are domestic affairs (Art. 27 of the U.N. Charter).

Nevertheless, the idea of human rights, their protection by the rule of law and by the political rights typical of democracy, is today so widespread that they form truly a new *jus gentium.* Thus they tend to become internationalised, to become part of the *jus publicum inter gentes,* and to be protected by its authority. To reach this ultimate sanction will require multilateral covenants; the individual person should not find the borders of his state impermeable, he should become a subject of that *jus publicum.* For the time being, there is not much hope that such a covenant will be made and ratified. But the public opinion of the world, if revived from its prevailing lethargic apathy by the incessant pleas of many groups everywhere, will be able to exert enough pressure so that, in the not too distant future, such a covenant might become reality. The world community, the *causa finalis* of social-political development, will grow only in small steps; every new field of human civilisation, taken away from the exclusive sovereignty of the nation-state and subject of international law, increases by that much the field of the still small and rather inefficient world community.

([18]) Quoted by Moses Moskowitz, *Human Rights and World Order,* New York, 1958, p. 161. This is an excellent report on the present situation of the problem of human rights in the U.N.

DOUGLAS HYDE

Injustice and Communism

When the President of India on July 31, 1959, took over the administration of the Communist-ruled State of Kerala the Communist Party decided to hit back. If the Congress Party and its allies could, through mass agitation, it said, bring down a Communist Government in Kerala then the Communists, with their allies, would be entitled to do the same elsewhere.

The obvious State in which to do it was Bengal. The Communist party in Bengal is strong. The Bengalese take their politics seriously, even passionately. This, coupled with the fact that they are hot-blooded, has earned for them a reputation and a tradition of being easily provoked into riot and disorder.

The Communist Party at first tried to stir up trouble over the Presidential proclamation on Kerala. They failed. They then switched the agitation to something quite different. This time it was against the rise in food prices. Quite openly they exploited the inordinate price of rice in order to rock the Government of Bengal as tit-for-tat for what had happened in Kerala. This time they did not fail.

Riots and lawlessness quickly spread throughout the great city of Calcutta. Police were attacked with bombs and stones. They countered with baton charges and tear gas in an effort to disperse the rioters, but the agitation continued.

In the town of Howrach near Calcutta a policeman was stabbed to death by the food rioters. Indian army units moved into the town and also into the State capital. During the disturbances which continued for days on end in Calcutta, the police opened fire in an attempt to stop the looting of rice and to beat off crowds who were throwing acid bombs. Barricades went up in the streets, and soon the death roll began to mount.

The Price Increase and Famine Resistance Committee, composed of Communists and fellow travelers, who had organised the agitation, called a general strike. Soon Calcutta was without public road transport; taxis, streetcars, buses and rickshaws all came to a standstill.

These disorders did not bring down the State government. It is probable that the Communists never expected they would. But the Party had served notice on the Central Government that by such means as these they might well be able to do so in due course.

They had also once more demonstrated something which has been proven over and over again, ever since modern Communism first came into existence; in a free country it is difficult to achieve the political aims of Communism by purely political means, but it is often relatively easy to achieve those same ends by exploiting economic issues.

This experience belongs as much to the West as to the East. For example, during the years following the end of World War II the French Communist Party, which at that time was very conscious of the strength and prestige it had achieved during the Occupation, brought one industry after another to a stop. Hours, wages, conditions - a strike could be fomented around these, it seemed, at almost any time. Then Moscow called for a cessation of work throughout the country in protest at the formation of NATO and a visit by the then General Eisenhower. The number of workers who responded to the call for this purely political strike was insignificant. What had been intended as a demonstration of strength was seen by the public as one of weakness instead. It was a turning point in the fortunes of the French Communist Party.

Similarly, when the Western Defence Programme was first launched, British Communists tried to bring out the workers in arms industries on strike against it. They, too, failed. Communist agitators who tried to hold meetings at the factory gates in support of this demand were howled down by the workers.

Then, inside those same factories, Communist shop stewards launched campaigns on 'bread and buttes issues' — wages, hours and conditions. In some of the largest and most import-

ant they were able to stage stay-in strikes: they started a Go-slow movement in the ship yards. In due course, a British Minister admitted that these disputes had reduced production for the Western Defence Programme by some 40 per cent. The anti-Communist and non-Communist workers who had howled down the agitators at their gates were the same ones who at a decisive moment substantially reduced Britain's contribution to the common defence effort.

From time to time Moscow orders the Communist Parties of the Free World to attempt to achieve their aims by directly political means as a test of their real strength. It is a feather in the cap of any Communist party that succeeds in getting any significant response. It is also a means of reminding the party members themselves that their aims are political, not just economic. To put it baldly, the Communists are interested in the spread of Communism, not in achieving social and economic reforms within the existing social system.

The international Communist leaders are not dismayed when political strikes fail. They know that the really long-drawn out crippling disputes, the ones which weaken industry and, they hope, may mortally weaken capitalism, too, are fought over those issues which can be represented as being concerned with social justice and the people's right to a decent life. The same is true of revolutions.

The first attempt to establish by violence some sort of Communism, under Marxist inspiration, was the setting up of the Paris Commune of 1871 - during the life time of Karl Marx.

One of the earliest proclamations issued by the Central Committee began with the words: 'Workers, do not be deceived: it is the great struggle: parasitism and labour, exploitation and production are at death-grips. If you are sick of vegetating in ignorance and squatting in the muck; if you want your children to be men, gaining the reward of their labour, not a sort of animal trained for the workshop and for war, fertilising with their sweat the fortune of an exploiter or pouring out their blood for a despot; if you want your daughters, whom you cannot bring up and watch over as you would, to be no longer instruments of pleasure in the arms of the aristocracy of wealth; if

you want debauch and poverty no longer to drive men to the police and women to prostitution; if, finally you desire the reign of justice, workers, be intelligent, arise; and let your stout hands fling beneath your feet the foul reaction !...

'The Central Committee firmly believes that the heroic people of Paris is about to immortalise itself and regenerate the world.

'Long live the Republic ! Long live the Commune !' (1).

Marx wrote at the time that the Communards had «stormed heaven.» But they had stormed it, not in the name of Communism, but of justice. Not that dialectical materialism might be made the religion of the people nor that they should build a society based upon the economic theories of Karl Marx and Frederick Engels, but so that they might make an end of social injustice and so that the ordinary decencies of life might be made available to all. It was for these things that they fought and died in thousands.

The successful Bolshevik Revolution of October 17 brought Communist rule to Russia. It was led by men who understood Marxism and were primarily concerned with the seizure of power for Communism, as is obvious even from a reading of that model of Marxist orthodoxy, the 'Short History of the Communist Party of the Soviet Union (Bolsheviks)', which is usually attributed to Stalin. But the Bolshevik agitators who made the Revolution possible, who went amongst the troops at the front spreading disaffection and urging them to desert in their tens of thousands, and who brought the factory workers out on the streets to parade their guns, did not talk of Communism. They did not preach Marxism. They were agitators, not educators. The slogan under which the Revolution was fought had nothing to do with Communism, but a great deal to do with social and international justice. It was «Bread, land, peace and homes !» It is part of the tragedy of the history of our time that these were precisely the things that the Russian masses did not get from the Revolution.

(1) *The Paris Commune of 1871,* by Frank Jellinek, London, Gollancz, 1937, pp. 200, 201.

The Bolsheviks demonstrated, as has been shown so many times since, that the things for which people will struggle, sacrifice and, if need be, die, are the ordinary things of life, the things which should be the birthright of every man, provided also that coupled with these demands is a direct and simple appeal to justice and idealism.

When the Chinese Communist Party was first establishing its rule in South China, before the Long March to the North, it issued in 1934, its 'Fundamental Laws of the Chinese Soviet Republic' (2). These laws formed the basis of its appeal to the masses, both before it abandoned its position in the South and during the years when it was re-establishing itself in the North and spreading from there throughout the country.

The first section of 'The Fundamental Laws' dealt, understandably, since China was first and foremost an agricultural country, with agrarian matters. Article One read: 'All the lands of the feudal lords and the landlords, the militarists and the gentry and other big private landowners, shall be subject to confiscation without any compensation whatever, irrespective of whether they themselves work their lands or rent them out on lease. The Soviets must distribute the confiscated lands among the poor and middle peasants. The former owners of confiscated lands shall not be entitled to receive any land allotment. Agricultural labourers, coolies and toiling peasants shall enjoy equal rights to land allotments, irrespective of sex'.

That may not have looked very much like social justice to those who were threatened with confiscation without compensation. But to the land-hungry peasants who had traditionally been in the grip of rapacious landlords and still more rapacious money-lenders it looked like soms sort of rough justice to which they believed themselves to be entitled.

The first article of the 'labour Code', which was to govern the lives of industrial workers, read: 'Workers shall be hired in accordance with the terms of collective agreements and through the medium of the trade unions and labour exchanges'.

(2) *Fundamental Laws of the Chinese Soviet Republic*, London, Martin Lawrence, 1934.

Article 14, which was to govern working hours, promised that: 'The normal working day of any person working for wages shall not exceed eight hours'.

Article 25, which dealt with wages, declared: 'No worker shall receive a lower wage than the absolute minimum wage fixed by the Commissariat of Labour'. Double rates of pay were promised for all over-time work permitted by the trade unions and for all work performed on rest days or holidays.

And so it went on. There was little in the Fundamental Laws which would be regarded as revolutionary in America, Britain, or any advanced European country. Much of it reads like the demands made by the English Chartists 120 years ago.

Wherever there is a large peasant population, there the Communists make land reform one of the main points around which they attempt to gain support. The proudly independent landed peasant is, as an individualist, at the opposite pole to everything for which Communism stands. But the great mass of people who live by agriculture are not landed but landless. In their attempt to gain support for Communism through the championship of the legitimate demands of the people, the Communists naturally, therefore, promise to satisfy the peasants' land-hunger. The unjust distribution of land, the peasants' land-hunger which grows out of it, and the extortionate demands of landlords and rural money-lenders are, the Communists have discovered, some of the most explosive things on earth today.

At the height of the Spanish Civil War, when it was already going badly for the Popular Front Government, Jesus Hernandez, Communist Minister of Education and prominent party leader outlined, in four points, 'What the Communists Fight For'. The very first was: 'Annihilation of Feudal landed property by the nationalisation of the land, giving to the peasantry the right to cultivate that land either individually or collectively'.

This was in accord with the Programme of the Communist International ([3]), first issued in 1929, although the Comintern took the view that whilst land should ultimately be nation-

([3]) *The Programme of the Communist International,* London, Modern Books.

alised the peasants should, as a temporary measure, be given that ownership for which they craved.

The motive which underlay this 'concession' was revealed with cynical frankness in the programme itself. In the section headed 'Agriculture', clause (d) read:

'Part of the land confiscated from the landlords and others, particularly where the land was cultivated by the peasants on a tenant basis and served as a means of holding the peasantry in economic bondage — to be transferred to the use of the peasantry (to the poor and partly also to the middle strata of the peasantry). The amount of land to be so transferred to be determined by economic expediency as well as by the degree of necessity to neutralise the peasantry and to win them over to the side of the proletariat; this amount must necessarily vary according to the different circumstances'.

That, one may note in passing, has been the experience of the peasantry of the countries of Eastern Europe which were overrun by Communists. Their land hunger was temporarily assuaged by the granting to them of small plots of land which were sufficient to 'neutralise' them at the moment of the seizure of power but which were too small to be economic units. This was deliberately intended to create a situation where, later on, they would find that despite their little plots of land, they still could not survive. They should then, it was hoped, be more receptive to the demand that they should go into co-operatives, collectives or communes.

But that is part of the tragedy of those countries which have come under Communist rule. The concern of their rulers is not with social justice but with building Communism. It is only before and during the revolution that the Communist makes himself the great fighter against social and racial injustice and the champion of international justice.

To the well-instructed Communist the reason for this is clear enough. He is concerned with revolution, not with reforms. But agitation for reforms can serve the cause of revolution. Every injustice is therefore grist to his mill, provided that he never loses sight of his main goal.

Stalin told Communists everywhere that they must be inter-

ested in reform only insofar as these might be used as stepping stones to revolution. This was firmly based on the theachings of his master, Lenin. He wrote: 'To a revolutionary the main thing is revolutionary work and not reforms, to him reforms are by-products of the revolution. Therefore, with revolutionary tactics under the existing bourgeois regime reforms inevitably serve as instruments that disintegrate the regime, that strengthen the revolution — a stronghold of the further development of the revolutionary movement.

'The revolutionary will accept a reform in order to use it as a means wherewith to link legal work with illegal work, in order to use it as a screen behind which his illegal activities for the revolutionary preparation of the masses for the overthrow of the bourgeoisie may be intensified.

'*This* is what the revolutionary utilization of reforms and agreements in an imperialist environment means' ([4]).

The Communists aim to discover what the masses want most, then, after twisting their demands so that they may serve the purpose of Communism, make these their own.

Here is how Mao Tse-Tung put it: 'In all practical work of our Party, correct leadership can only be developed on the principle of 'from the masses, to the masses'. This means summing up (i.e. co-ordinating and systematising after careful study), the views of the masses (i.e. views scattered and unsystematic), then taking the resulting ideas back to the masses, explaining and popularising them until the masses embrace the ideas as their own, stand up for them and translate them into action by way of testing their correctness. Then it is necessary once more to sum up the views of the masses, and once again take the resulting ideas back to the masses so that the masses give them their wholehearted support... And so on, over and over again, so that each time these ideas emerge with greater correctness and become more vital and meaningful. This is what the Marxist theory of knowledge teaches us' ([5]).

([4]) V. I. Lenin, *Collected Works,* Russian edition, vol. XXVII, pp. 84, 85; also *Readings in Leninism,* vol. IV, pp. 55, 56, New York, International Publishers.

([5]) *Selected Works of Mao Tse-Tung,* vol. IV, p. 113, London, Lawrence & Wishart, 1956.

This flagrant misuse of the desires of the people for purely Marxist purposes may strike the non-Communist as grossly immoral, even inhuman. The Communist does not see it in this way. He believes that a Communist world would be the best of all possible worlds. It would be one in which injustice between men and nations alike would be at an end. To achieve this he must be prepared to use any methods which will serve his Communist end. And he has his own views on morality as on everything else. He takes as his only guide Lenin's maxim that 'morality must be subordinate wholely to the interests of the class struggle' ([6]).

The Communists' campaigns on such questions as food, housing and social conditions are not therefore directly inspired by moral indignation at the existence of preventable evils, nor by a determination to end them. They spring from their desire to destroy capitalism and to put Communism in its place. They are conducted for the purposes of Communism.

The food riots in Bengal which I quoted in my opening paragraphs were a typical example of this. The hunger of the people and their resentment at fast-rising food prices were just so much ammunition in the fight for Communism.

This does not mean that the Communist as an individual never feels the same compassion as other men. But his Marxism tells him that it will not be by compassion that the masses will be helped but by bitter class struggle. He sees his own moral indignation, his compassion and natural sympathy for the underprivileged and those who suffer injustice as signs of softness and weakness in himself — 'un-Bolshevik' tendencies to be purged and irradicated so that he may be a 'steel-hardened cadre' in the fight for Communism.

Let me give an example from my own experience, since it is often difficult for the non-Communist fully to appreciate this point.

Early in 1940, when Britain was changing over from a peace-time economy to a war economy, large quantities of rail-

([6]) *Lenin on Religion*, Little Lenin Library, London, Lawrence and Wishart, p. 56.

way rolling stock normally used to carry domestic coal were switched to transporting fuel to the rapidly expanding war industries. As a consequence, certain areas were temporarily without domestic fuel.

I was living in such an area at the time. The population was overwhelmingly working class; they had neither the money nor the storage space to enable them to lay in stocks of coal. When, therefore, no coal came into the town for several weeks on end, thousands were left with no fuel of any sort — and it was a hard winter.

When I became aware of this I instructed the local branch of the Communist Party to organise a campaign around the demand that fuel should be diverted to the town at once.

Ten thousand copies of a leaflet which I had written were distributed to the working class housewives of the town. It described the sufferings of the people who were without coal and called upon the housewives, in particular, to demonstrate at the Town Hall at a given time. The hardships of the people which I described were real, particularly in the case of families with young children, invalids and others, many of whose homes were without heating of any sort. But, said the leaflet, the people would 'refuse to shiver in silence'. They would demand action by the authorities at once.

On the appointed day a great crowd of thousands of angry women assembled at the Town Hall in response to our call. It had been intended that from their ranks we would elect a delegation which, following normal Communist practice, would include some genuine working-class housewives, but also some well-trained Communists who would act as their spokesmen, too.

In practice, the women were so angry that there was no question of such a delegation being elected. They constituted themselves one great delegation and stormed the municipal offices. They broke some windows, chased the mayor from his parlour and then marched off to give the local fuel officer similar treatment.

The Communist daily paper, the 'Daily Worker', made the episode the subject of its main news story next morning.

Three days later I had the enormous satisfaction of seeing scores of trucks, which the local authority had hired for the purpose, going up and down every working class street in the town — distributing coal.

Again, the 'Daily Worker' made this 'great victory of the people', its main news story. And, of course, it emphasised the leading role of the Communist Party in the agitation.

In a well-ordered Communist Party every campaign is followed by an 'inquest'. There the local party leaders, with brutal frankness, engage in criticism of the campaign and the way it has been conducted, and still more frank criticism of themselves and each other. Our fuel campaign was subjected to this test. The 'Daily Worker' publicly hailed it as a victory, but in our private councils we decided that it was a failure. There had, until the local council responded so briskly, been thousands of angry working class housewives in the town. It was true that we had filled the empty grates and so ended much genuine hardship. But by so doing we had abruptly quenched the anger of the people. Our campaign had been too successful. As a consequence, instead of its leading to an increase in class hatred, and so to an intensification of the class war it had helped to make the working class more contented than before.

This verdict, that it was a failure, not a success, was endorsed by Communist Party Headquarters. Communist leaders in any part of the world would have come to a similar conclusion.

There is rarely any shortage of issues around which the Communist Party can conduct agitations. The point to grasp is that although the injustices against which it campaigns are usually real enough, the party's fight against them is not for justice but for Communism

The Communist press of the world provides an interesting study. The 'Daily Worker' in London, 'L'Humanité' in France, 'Unita' in Italy, they, like Communist papers everywhere, all follow the same pattern. Bad social conditions, inadequate housing, low wages are all exposed remorselessly and bitterly. But there are no calls to help with sympathy and understanding those who have to endure these evils; the call is for those concerned to 'struggle' against them. They are interested in

agitation, not in aid, and injustices are spotlighted only in order to build up anger against them. Moreover only those issues which can be used in this way are featured. There is no attempt to build up a public opinion on behalf of justice and against injustice as such.

This is increasingly noticeable in Western countries today where a public conscience is genuinely beginning to develop with regard to the urgent needs of the great under-developed areas of the world.

Point Four projects, the Colombo Plan, W.H.O., F.A.O. and similar enterprises have helped to make people aware of the iniquity of the immense and growing inequalities which exist between nations in the modern world. This is reflected in the news and feature columns of those Western newspapers which show any serious and responsible interest in international affairs.

All, that is, except the Communist press. The party's papers have a major pre-occupation with international affairs, giving far more of their space to them than do any other papers, for the Communists have always taken a global view of the world. Yet you will search in vain for any but sneering references to the great schemes now in existence for aiding the under-privileged. Equally, you will search in vain for signs of real concern at the plight of these people or for any serious attempt to make the public aware of the extent of human suffering in the less developed areas.

Few if any articles are published in the Communist papers which are designed to arouse the conscience of their readers at the suffering and privations of their fellow men in other lands. Only when an agitation, such as that which led to the food riots in Calcutta, is organised do they feature such subjects at all. The purpose, then, is clearly to arouse anger rather than compassion. In other words, the bad conditions which exist in Asia, Africa and Latin America, the injustices which whole peoples suffer are not the stuff that Communist news stories are made of. It is only when hungry men throw up barricades in the streets, or when their hunger can be used to discredit the 'class enemy' that they become of interest to the Communists outside their own country.

From a file of the Cominform Journal, now no longer published, I took at random a sample six months' issues, and searched their columns for evidences of the Communists' interest in social justice.

In the whole of the period, from June to December, 1953, there was hardly an item of any sort which genuinely fell into this category, and only four altogether which were even indirectly related to it.

There was one brief report from Argentina, noting the fact that prices there were soaring. But the purpose of the item was to report that the Communist Party had called upon working people to 'set up committees independent of employers and the State, and strive for higher wages and to ensure the adoption, under the control of the workers and the people, of effective measures to check the growth of the cost of living'.

Another was headlined: 'Poverty of working people in Puerto Rico'. It told of lack of food, widespread malnutrition and tuberculosis, made a reference to the hovels in which many Puerto Ricans live and provided statistics of the numbers who emmigrate to the United States. But there was nothing in the wording of the message to suggest that its purpose was to appeal to the humanity of its readers. It was just ammunition against the United States for the use of Communist propagandists in their anti-American campaigns.

There were two reports of election activities, one from Italy, the other from France, in which, inevitably, social questions were mentioned. In both cases it was stated that the party, as might be expected, was demanding higher wages, and inadequate housing conditions were condemned in general terms. In the report from Italy there was an angry sentence or two about the need for land reform in Sicily and the South. But again, these were but a few sentences dropped into tens of thousands of words about directly political issues and were clearly no more than ammunition for the fight. Yet, as any Italian Christian Democrat would admit, the conditions in the Bad Lands of the South and in Sicily would provide plenty of material for anyone intent upon building up a conscience on the matter.

If one is really to understand how it comes about that people who have been attracted to Communism in the first instance because of their humanity, their hatred of injustice, and their passion for justice can nonetheless acquire such an attitude to the world, the answer is to be found in the Marxist theories. Always in trying to understand Communist behaviour one is driven back to what the Communist believes. Christians may fail to relate their beliefs to their workaday activities, their political policies and their attitude to the world. The Communists do not. The Communists' activities, attitudes, policies all flow directly from their Marxist theories and beliefs.

The instructed Marxist does not believe that it is possible to build up a Communist society within the framework of the existing capitalist society. Capitalism as an economic and social system, its ideology and the 'bourgeois' ideas it has put into circulation, must all be swept away before the first step towards the building of the new society can be taken. This being so, the first task of the Communist is quite logically, if one accepts his premise, to destroy capitalism, utterly and completely and just as soon as possible.

This, said Karl Marx, can best be done by exploiting those stresses and strains which exist within any society. Marx, using Hegelian terminology as usual, called them 'contradictions'. To hasten the inevitable collapse of capitalism and to ensure that it shall be followed, not by the contending classes going down to their common ruin but by a Communist victory, the Communist everywhere must use for his own purposes the contradictions of capitalism which Marx identified and listed. It is the first two of these which most immediately concern the Communist Party members of the Free World.

The first is what Marxists hold to be the irreconcilable conflict of interest between the proletariat and the bourgeoisie, workers and capitalists, the have-nots and the haves. It is this, said Marx, which ensures that capitalism must for ever be weakened by class war. The job of the Communist is to fight that war as a war. By this means he can so weaken capitalism from within that its end can be immensely accelerated. He must learn when to retreat and when to advance, how to discover and then break

through the weakest point in this opponent's front, always to think in terms of strategy and tactics, just like any military man. If he and his comrades do this with sufficient skill they will, when economic crisis comes, unite the mass of the people behind their own Communist demands and simultaneously make it impossible for the ruling class to govern. By this means they will ensure the early downfall of capitalism and the coming of the revolution which is the corollary of the breakdown of a social system, and so open the way to the realisation of their Communist dream.

Marx himself stressed that his philosophy was 'materialist' as opposed to 'idealist', and his socialism 'scientific', not 'utopian'. Marxism is concerned with change and change-making as a science. That is the very essence of dialectical and historical materialism.

The good Communist's approach to the victims of injustice must, therefore, be the coldly scientific one. He must learn to detach himself from the purely humanitarian approach which he probably held before becoming a Marxist, just as he must come to see justice, freedom, liberty as so many bourgeois concepts which have no place in his thought even though these words may be used by him in his propaganda.

Anything that fans class war aids the cause of Communism. This may take the form of high rents, low wages or, in the prosperous and more developed countries, bad human relations in industry. Hunger, ignorance, poverty all aid the Communist in his attempts to use the first contradiction of capitalism to destroy the existing social order.

The second contradiction of capitalism is the irreconcilable conflict of interests between colonial peoples and imperialist Powers. Just as the Marxist, when discussing the first contradiction, says that a gain for the worker must be a loss for the employer and that there can to be no common interest between working men and profit makers, so he likewise believes that there can be no common interest between colonial peoples and colonising Powers either. These two opposites must for ever be in conflict, always at each others' throats. It is up to him, therefore, to ensure that this conflict is intensified and sustained.

That is why Communists everywhere, both in the colonial areas and in the 'imperialist' West, are unceasingly active in the anti-imperialist struggle, which they try to capture and lead, making themselves the most vocal spokesmen of the subject peoples' legitimate demand for independence.

By this means, they believe, they can help the cause of Communism in two ways, 1) to bring the victory of Communism to the colonial countries by leading the anti-colonial struggle and then remaining in the saddle as Ho Chi-Minh did in North Viet Nam, and 2) at the same time weaken, by means of costly and protracted colonial wars, the imperialist countries of the West.

The genuine nationalist who engages in activity against a colonial power does so for one reason, the Communist for another and quite different one.

What does all this mean, in practical terms, for the world at this moment? When Mr. Krushchev visited Peking in September 1959 on the occasion of the Tenth Anniversary of the Chinese People's Republic he told Mao Tse-Tung and the other Chinese leaders that there must be no testing of the stability of the capitalist world by force. He had just come straight from the U.S. where he had declared that the capitalist world and the Communist world should compete with each other in raising the material standards of their own people and in their appeal to others.

Whether Mr. Kruschchev and other leaders of world Communism have genuinely rejected war as a means of forcing Communism upon other countries, or whether this is just a tactic aimed at ending the cold war, it seems certain that most of the Communists' hopes today are based upon the ability of indigenous Communist parties to achieve Communism for themselves. In other words, to win the support of the masses by appealing to their desire for at least that basic minimum of material well being which man's dignity demands. They will as always use the deep desire of the common people for justice and reforms for their own revolutionary purposes.

It seems certain also that the Communist leaders of both Russia and China now place their highest hopes of moving

towards the Communist world on the great under-developed continents of Asia, Africa and Latin America. They see these as the areas of greatest promise, which lie wide open to them.

Within those three continents, conditions which are roughly comparable to those which preceded the victory of Communism in Russia and China are to be found.

The Communists in the under-developed countries are able now to learn both from the experience of the Russian leaders and the Chinese leaders too and to be inspired by their example. Mao Tse-Tung's experience and teachings are seen as being particularly relevant to those semi-feudal countries which are only now on the threshold of the industrial revolution.

There is plenty of fuel for the Communists to use when they want to make a conflagration in those great and decisive continents. There is plenty in their message, too, to appeal to the man of peasant origin who has been given some education, has recently been brought in touch with urban life and urban values and who in the process has become acutely conscious of the injustice which his people suffer.

When Karl Marx wrote in the Communist Manifesto of 1848, 'Workers of the world unite, you have nothing to lose but your chains, you have a world to win !' his message rang true in the Europe and America of that time. Today it strikes a false note. The workers of the West now have a great deal to lose. But the same is not true of the great mass of mankind who do not happen to live in Europe and North America. The majority of them still have nothing or, at very best, very little, to lose but their chains. For them the Marxist message seems entirely up to date and very relevant to themselves and their conditions. What, indeed, have the hungry peasants of the under-developed areas got to lose in terms of material goods ?

Two thirds of the human race, mainly resident in the under-developed areas, suffer from chronic malnutrition. One thousand five hundred million of our fellow men are more badly housed than were the workers of Europe when Marx wrote 'Das Kapital'. For most of them, this means the one-room dwelling, mud-walled and grass-roofed, which one finds all over Asia, throughout the Middle East, from one end to the

other of the great African continent and in every part of Latin America.

It is still the lot of the majority of mankind, in this mid-twentieth century, to be conceived and born, to live and to die, in such a one-room dwelling, and in full view of an over-crowded household.

The majority of the people who work on the land, and upon whose labours, as primary producers, the rest of humanity feeds, still do not own the land they till. Moreover, most of them lack security of tenure and pay iniquitous rents in cash or in kind, for what they have. As a consequence, to their hunger is added the misery of forever being in the clutches of the usurer. This creates an explosive situation in a world in which there exists today an able, disciplined and purposeful body of men skilled in the arts of agitation and propaganda, determined to exploit every injustice, every hardship in the cause of Cummunism.

It is made more explosive by the fast-spreading belief that hunger, poverty, and ignorance could be ended with the aid of modern science and technology. This means that these evils are no longer inevitable and incurable. They are as old as man himself, but whereas in the past men had not the means to end them, today they have. This makes them rankle as never before; where, previously, there was more often than not resigned acceptance, now there is deep resentment.

Lord Boyd-Orr, the nutritional expert, has written: 'Hunger, the worst evil of poverty, is the fundamental cause of the revolt of the Asiatics against economic domination by European powers — a revolt which cannot be stopped by guns so long as these people believe that their hunger and poverty are unnecessay evils' ([7]).

The ending of poverty is now a possibility. Yet the contrast between the poor nations and the rich becomes more blatant with every year that passes. The sense of injustice among the impoverished peoples grows, and must continue to grow, cor-

([7]) Foreword to *Geography of Hunger*, by Josue DE CASTRO, London, Gollancz, 1952, p. 5.

respondingly, just as does the sense of guilt on the part of the more sensitive members of the privileged nations. Both play into the hands of the Communists. Whilst the Asian peasant most frequently joins the Communist Party because of a sense of injustice, it is a bad collective conscience at the presence of poverty in the world of plenty which drives the middle-class intellectuals to Marxism in the West.

'To 'Thou shalt not kill', someone has written, 'has been added another commandment, — 'Thou shalt not let thy fellow men starve when the science and industry at thy command enable hiw to be kept alive'. What is certain is that every child who dies of hunger in a world of plenty is so much ammunition for the Communists in their fight for world domination.

But if hunger, which is the *effect* of poverty, is itself coming to be seen as an injustice by those who suffer it, many of the *causes* of poverty are resented even more deeply.

In my experience, after travelling many times in Asia, Africa and Latin America, I would say that the thing which more than any other aids the Communists in their attempt to attract the peasants to their cause is the unjust sharing of the crop as between the peasant and the landlord.

The 'Report to the President of the United States of the Economic Survey Commission to the Philippines, 1950' ([8]), declared: 'The Philippine farmer is between two grindstones. On top is the landlord who often exacts an unjust share of the crop in spite of ineffective legal restrictions to the contrary. Beneath is the deplorably low productivity of the land he works. The farmer cannot see any avenue of escape. He has no credit except at usurer's rates. There is no counsel to whom he can turn with confidence. He is resistant to change for fear of losing the meagre livlihood he and his family possess. The incentive to greater production dies a-borning when what he regards as an unjust share of the harvest of his work goes to the landlord'.

This particular injustice almost certainly did more than any other to fill with peasants the ranks of the Hukbalahap, the

([8]) State Department, Washington, p. 55.

Communist-led guerrilla army, which came so near to victory in 1951. This was confirmed for me by small farmers with whom I talked in the barrios of Pampanga, the province which produced the largest number of Huks during the rebellion. It was confirmed for me, too, when I conducted conversations inside Filipino jails with captured Cummunist guerrilla leaders.

On one occasion I met some 170 of these in a great military jail. The overwhelming majority of them, all long-sentence prisoners, were peasants. It is certain that most of them would never have turned to Communism or to Communist leaders, had it not been for a rankling sense of injustice. It was share-cropping, usury and insecurity, not dialectical materialism which led them to take to the gun and the jungles.

The late President Ramon Magsaysay, who was an enlightened man, saw this clearly. Even whilst he was on the one hand fighting the Communists with a mailed fist, he was offering, on the other 'land for the landless' — and in particular for those non-Communist Huks who laid down their arms.

His 'Edcor' projects (land reclamation and resettlement schemes), which were under the direction of the army, brought large areas, never before cultivated under the plough, and on these the landless peasants were settled. Those projects are, since the death of Magsaysay no longer being extended. But they are symbols of the positive, Christian approach, which is also the common sense approach, to the agrarian problem.

Indonesia has the second largest Communist Party in the Free World — Italy has the largest. The Communist Party of Indonesia has one and a half million members and receives some six million votes at elections. The overwhelming majority of these come from the peasants and small farmers of Java. The soil of Java is some of the richest on earth. In this fantastically beautiful land three harvests a year are quite normal. Yet the peasants turn to the Communists for leadership, see them as their only hope.

When I was there I was told that what above all else leads them to support a party of revolution instead of one of reform is their resentment at the unjust share of their crop which is demanded by the landowners and, as in the Philippines, the

extortionate rate of interest demanded by the money-lenders into whose hands they almost inevitably fall.

The land hunger of the campesino and inquilino of Central and South America is just as great, and the need for its satisfaction just as urgent as in the case of the Asian peasant. For centuries he was prepared to accept his lot with resignation or else, as frequently happened, lapsed in his misery and degeneration into chronic alcoholism. There are areas of Peru and Chile, for example, as I learned when I was there, where as many as 60 per cent of males over the age of 14 are chronic alcoholics and where alcoholism is the greatest single killer.

But there is a Communist Party at work in every country of Latin America today. It is telling the peasantry that their salvation lies, not in religion nor yet in the wine bottle, but in revolution.

Latin American Communism is led by Luis Carlos Prestes of Brazil. The leaders of international Communism rate him very high indeed. He is an outstandingly able Communist leader. His life for years has alternated between long periods of illegality, when he was on the run with a price on his head, and short periods 'above ground'. But in either case he has continued to remind the peasantry of the injustices they suffer; of the need for land reform, for a fair share of their harvest, for an end of the tyranny of the landlord and the money-lender.

The fact that in the past two decades the Communist Party was illegal for most of the time, in most of the countries of Latin America, made it difficult for the Communist message to reach any large numbers of the people for whom it was intended. But today, with the ending of dictatorships and the rebirth of democracy in one country after another, the Communist Party is emerging once more into public life. Soon, its message may be reaching millions. One would have to be blind not to see that, if Latin America's agrarian problems are not quickly solved, and unless the rankling sense of injustice with which the campesino lives is not soon ended, Communism may quickly spread throughout the continent.

If conditions in the countryside play into the hands of the Communists, this is even more true of those in the town. In

the great 'mushrooms' — enormous communities of squatters who live outside the law — which are to be found adjacent to most of the capital cities of Latin America today, there is poverty as bad as any in Asia. The nearest thing I have seen to the conditions which obtain in the 'mushrooms' of Lima, Peru, and Santiago, Chile, were in refugee-filled Pusan at the end of the Korean War. But there had been no war in either Peru or Chile, they have become 'normal' in peaceful conditions.

The situation in Latin America is aggravated by the knowledge that to the north lies another, very different America where people live in what seems to be almost unbelievable luxury.

Moreover they are reminded of this daily. In a fast-shrinking world it screams at them from the cinema-hoardings, over the radio and at every turn. It becomes particularly real for them as they observe the American tourists in their midst.

Once they would have thought that poverty, ignorance and degradation was the normal lot of man. Now they know it is not, that there are whole nations who live in plenty, and the sense of injustice is immeasurably increased as a consequence.

I have watched a near-revolution in a South American country. And I have seen a leaderless, anarchic mob which was one moment senselessly burning and destroying everything within range, transformed into a determined, purposeful crowd returning blow for blow with the armed forces. It was the sudden appearance on the scene of members of the illegal Communist Party which wrought the change.

The focal point of the demands which they put before the crowd was that a government which was supposed to be combatting inflation and which had pegged the wages of the workers was itself raising the fares on the nationally-owned buses. It was this blatant injustice more, even, than their poverty and misery, which made the crowd give its support to known Communist leaders.

In Africa, it is social and racial injustice, and colonial injustice, which today provide the Communists with their most valuable ammunition. In the case of those African countries which have already achieved their independence, the Com-

munist Party uses the frustration of the semi-educated, the bad social conditions in the towns, the poverty of the small farmer, and, of course, the inequalities which exist between nations.

In most African countries the Communist Party is still small and in its infancy. But the international leaders of Communism see Africa above all others as the continent of promise. 'Africa', delegates to a congress of Communist Parties in colonial countries were told by R. Palme-Dutt in his 'policy' speech, 'is the most important sector of the whole fighting front against imperialism'. Once more, it is upon social evils and blatant injustices that the Communists place their hopes.

Communist policies may have very little to do with the real fight for justice, but this does not prevent the Communists from skilfully using every injustice to serve their own cause. In this sense no social injustice anywhere, and, still less, blatant racial injustice, can today be regarded as a purely local evil. It has its repercussions the world over, no matter whether it be in Cape Town, South Africa, Little Rock, Arkansas, U.S.A., or Notting Hill, London, England. But it is also true to say that never before was it likely to bring calamity on such a scale as is threatened by Communism today.

Part of the tragedy of Communism is that it not only perverts and distorts the ideals of justice but also the very real idealism which inspires most of those who so mistakenly accept its creed.

Those who make up the Communist movement throughout the world tend to be spiritually-hungry men. They have turned their Communism into a substitute religion. In the final analysis, their personal problem is a spiritual one. But the people upon whom they depend to sweep aside governments, fight revolutions and bring Communism to power are the physically hungry and particularly those who believe that they are the victims of grave injustice.

In this sense it is profoundly true to say that the answer to international Communism is international justice. And it will be immensely more effective if it is not a cold, detached justice but one which flows from a deep love of God and of our fellow men.

ANDRÉ RÉTIF

The International Character of Pope Pius XII's Missionary Teaching

God gives His Church in every age a Head to match it. In great ages at least, or in those ages which may be called turning-points, He reases up a Pope of clear vision and enlightened will, who with the help of the Holy Spirit will be able to steer Peter's bark through dangerous reefs out into the open sea. This is what gives each great pontificate a content, a unity and a significance which the historian finds pleasure and profit in analysing and elucidating. From words and facts there emerges one dominant idea which explains and colours the action of a pope, assigns him a place in the history of civilisation and salvation, and is the contemporay response of eternal Christianity at one particular moment.

From this point of view it is instructive to look for the fundamental idea, the underlying unity that gives the pontificate of Pius XII coherence and depth, and to throw light on it by contrasting it with the fundamental aim of his two predecessors. Doubtless, future historians will draw a comparison between the pontificates of Benedict XV and Pius XII. Both of them held office during a terrible world war, and it may be said that Pius XII was unceasingly faced with war, — a violent war lasting six years, and a cold war following it. Both Popes were, by force of circumstances, preachers of peace and a Christian international order, while the missions took only second place in their thoughts. Pope Pius XI on the contrary was the pope of reconstruction and new construction in both Catholic Action and the missions. But towards the end of the reign of Pius XI and manifestly in that of Pius XII, the world entered a crisis of civilisation and experienced a mutation of civilisation which the Church had to face.

Generalising a little, one may say that Benedict XV and Pius XII were international popes first at all, and only secondarily, in time and intention, missionary popes. Pius XI was primarily a missionary pope, and secondarily, in time and intention an international pope: the latter, only because he was confronted by Nazism, Fascism and Communism, whose totalitarian ambitions were beginning to poison the world with their germs and evil ideologies.

It is all the more important to emphasise the link between the missionary teaching of Pius XII and the major preoccupation of his pontificate because some people may possibly regret that he did not give first place in his thoughts and efforts to the missionary expansion of the Church, and that his reign, from this point of view and during certain periods of time, seemed to register a stop or a slowing down. We shall see, letting the facts speak for themselves, that considering the circumstances, missionary work never ceased to progress, though with a change of meaning and direction. It was the opening of a new era in missionary history and, in a sense, the end of the missionary era, the end of the age in which the missions had their own distinct existence in the Church.

We can see this by following first of all the development of Pius XII's missionary ideas, and then by outlining a brief synthesis of his teaching from the point of view which concerns us here.

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When Pius XII ascended the pontifical throne the political horizon was lined with dark clouds. Diplomat as he was by training and his former life, he tried at first to preserve peace, and then to humanise the war which broke out, and to formulate conditions for a just and lasting peace. Missionary work was to be fettered by the war and by the fact that the territories of the See of Rome were frequently divided from or badly connected wtih the centres of control. And yet several acts and documents soon manifested the Pope's mind on this

work of the Church's expansion. Already, the international aspect of this work was being stressed.

On June 9th, 1939, one of the first Instructions set a clear course. Addresses and publications dealing with the missions, said the Pope, must take account of the 'mutual courtesy required between peoples', of the equality of justice, of that 'charity of heart which instead of taking oneself as the model in judging others opens one's mind wide and sincerely in an effort to understand them, to esteem and to love them'. Twice over comes the mention of a golden rule on the practical plane: to treat other peoples as we wish our own to be treated.

This instruction is only two pages long, but it is obviously rich in significance and fertile in practical applications; it would serve as a basis of an international pedagogy as well as of a missionary pedagogy. It shows us the Pope's reaction against missionary romanticism which is composed of contempt and pity for the peoples called barbarian. Implicitly in this document the missionary countries attain the rank of full nationhood. Pius XII mind is here shown to be concerned with peace and justice for all people, and preoccupied with promoting a Christian international order.

This attitude was to be reinforced by the first great document of this pontificate, the encyclical *Summi Pontificatus* of 20 October 1939. It is well known that in their first encyclical Popes desire to draw the contours of their future action and to indicate the essential lines of their thought. And so it is of interest to examine what place is given here to missionary work, and under what aspect it is to be presented. To speak the truth, it is, formally and directly, absent; and this is an indisputable sign. The encyclical draws a picture of the universe and of the foundations of its prosperity, and the whole development of the encyclical provides, as it were, a background on which missionary activity is to be inscribed. And this background is international order: it recalls the unity of the human race, a unity which does not suppress, but on the contrary postulates the lawful and happy diversity of the nations.

One pernicious error is 'the forgetfulness of that law of human solidarity and of charity which is dictated and imposed

by the common origin and the equality of rational nature in all men, no matter what race they belong to, as well as by the sacrifice of redemption offered by Jesus Christ on the altar of the Cross to His heavenly Father for the sake of sinful humanity'. The diverse conditions of life and culture must enrich and embellish this unity of the human race by the mutual communication of the individual qualities of the nations and by the reciprocal exchange of goods in the spirit of charity. Here is mentioned indirectly the Church's missionary activity. The Church, says the Pope, encourages and protects diversity; she greets with joy, and accompanies with a mother's solicitude 'all the changes and efforts directed to a wise and orderly development of each one's powers and inclinations provided that they do not conflict with the duties arising from the common origin of mankind, and its common destiny'.

This respect for customs and cultures is the guiding star of the Christian apostolate. 'Innumerable explorations and pioneering investigations have been carried out in a spirit of sacrifice, devotion and love by missionaries in every generation with the object of facilitating an intimate understanding and respect for the most varied civilisations, and of making their spiritual values bear fruit in a living and life-giving preaching of Christ's Gospel. Everything in their customs and practices which is not indissolubly bound up with religious errors will always be examined with good-will and, when possible, protected and encouraged.' The conclusion is that every Christian is at home in the Church. 'All who join the Church, whatever their origin or tongue, must know that they have equal rights as sons in the Lord's house where reign Christ's law and peace'. Thus this document lays the foundation of a sound Christian internationalism or supranationalism, and shows how missionaries and their work have served and manifested it.

The Pope announced his intention of personally consecrating on the Feast of Christ the King in that war-year, 1939, 'twelve representatives of peoples or groups of peoples of the most varied kind.' Among them were Europeans whose peoples were at war, but also Asiatics, together with the first African bishop and the first Madagascan. We perceive here the difference in

aim between Pius XI and Pius XII. The first spectacular act of Pius XI had been to consecrate the first six Chinese bishops of modern times; that of Pius XII was to consecrate, in a new Pentecost, bishops from all over the world, all merged in one and the same equality and fraternity. The act of 1926 had the missionary stamp, that of 1939 the international or universal stamp.

The Christmas message of 1941 made a passing allusion to the civilising influence of Christianity in Europe: '... those apostles who are the glory of Christ, those heroic workers for the faith and for justice, those pastors and priests, the heralds of Christianity, who through persecutions and martyrdom civilised the barbarians... laid the foundations of Christian civilisation, saved the remains of the wisdom and art of Athens and Rome, gathered the peoples together under the name of Christianity, spread learning and virtue, and planted the cross on lofty towers and the domes of cathedrals...' The theme is not peculiar to Pius XII, for it is found already in Leo XIII and Pius XI, but it is a theme which recurs far more frequently in the thought of Pius XII than in that of his predecessors, and it harmonises with his conception of a mission as benefiting civilisation and the whole world. It is as though the Pope already had a presentiment that he would soon have to defend missionaries against unjust reproaches or accusations of cultural imperialism.

The years passed, and the war was drawing to its close. In Rome which had just been liberated by the Allied troops, the Pope gathered together the directors of the Society for the Propagation of the Faith. His Discourse of 24 June 1944 is important, for it is the first of its kind and its ideas were to be taken up again frequently in the future. Pius XII expressed his pleasure at the international character of this gathering and its fraternal co-operation — a sign of the universality of faith and love. The missions — a new crusade — are a 'work of universal love' and 'a wonderful proof of the divinity of the Church.' The missionary's aim is not to transplant European civilisation into missionary countries, but to prepare 'those peoples, who sometimes have a thousand-year old culture of their own, to accept

and assimilate Christian elements of life and morals which needs must harmonise naturally and smoothly with every sound civilisation, and which confer on it the capacity to guarantee the dignity and happiness of man.' The missions are, moreover, a provisional stage, and not an end in themselves. Thus, in the Pope's thought, the missions take on a new and more international aspect, in which their civilising function and transitory character are brought out.

In my opinion the two finest documents and perhaps the most important ones written by Pius XII are the Christmas Message of 1945 and the Address to the Cardinals on 20 February 1946. He had just announced the creation of 32 cardinals, most of them foreigners, so that the Church's Senate now contained 42 non-Italian cardinals out of a total of 70. Among them was the first Chinese cardinal, who was to be joined a few years later by an Indian cardinal. The astonishing thing is that these documents do not contain any direct allusion to the missions, and yet they constitute the summit of Pius XII's missionary teaching. This shows the extent to which the missions are henceforth integrated and absorbed in the life of the Church. That invaluable collection *'Le Siège Apostolique et les Missions'* affirms that these two documents are of 'capital importance for the theology of the missions.'

Here we find the supranationality of the Church treated as belonging to its very essence. 'The Church is the mother of all nations and peoples, no less than of all individuals; and precisely because she is a mother, she does not belong, nor can she belong exclusively to one people or another, or to one people more than another, for she belongs equally to all. She is mother, and in consequence she neither is nor can be a foreigner in any place; she lives, or at least by her nature she ought to live among every people... The Church then is supranational by the fact that she is an indivisible and universal whole.' This character of the Church has two facets: indivisible unity and its indivisible wholeness that is yet shared among many: and secondly, its capacity for embracing all nations in one and the same love and in one universal root.

Here occurs the great passage that opens a new era in the

history of the missions as likewise in the history of the Church and even of the world. We must give it in full. 'Nowhere is the Church a foreigner. She lives and develops in every country of the world, and every country contributes to her life and development. In former times the life of the Church, in its visible aspect, deployed its strength preferably in the countries of Europe from which it spread out like a majestic river to what may be called the periphery of the world. Today, on the contrary, it is manifested as an exchange of life and energy between all the members of Christ's mystical body on earth. Many countries on other continents have long since passed beyond the missionary stage in their ecclesiastical organisation; they are governed by their own hierarchy and they contribute spiritually and materially to the whole Church, whereas formerly they did nothing but receive. Does not this progress and this enrichment of the supernatural life and even of the natural life of mankind reveal the true meaning of the Church's supranationality ? ... As Christ assumed a real human nature, so the Church likewise assumes the fullness of all that is authentically human, and by elevating it makes it a source of supernatural power in whatever place and under whatever form she finds it.' The age of one-way traffic is succeeded by the age of exchange. All Christian countries henceforth will both give and receive. Everything that is human is taken up by the Church, and she, in the Pope's forceful phrase, 'elevates it and makes it a source of supernatural power' everywhere and impartially.

The address of 20 February 1946 carries this teaching further. Unlike imperialisms, the Church seeks to help man instead of oppressing and exploiting him. And this she does by following 'tirelessly and gently the providential road of time and circumstance. Such is the deep meaning of her vital law of continual adaptation.' She strives to bind men together with the bonds of friendship. And so she helps effectively to secure the solid foundation of human society. She gives well-formed men to human society: 'men firmly established in the inviolable status of images of God; men proud of their personal dignity and true liberty, men rightly jealous of their equality with their fellows in everything that touches the core of human dignity; men

firmly attached to their land and tradition.' Here we have the personal aspect of Christian teaching that insists on the dignity of man. Such ideas, when lived and practised, are of obvious assistance to international peace and the internal prosperity of States just emerging into freedom. 'Thus, the chief significance of the Church's supranationality is to give permanent figure and form to the foundations of human society, beyond all differences, and beyond the limits of space or time'.

The Holy Year of 1950 was to give a splendid demonstration of this supranationality. An exhibition of Christian art in mission countries and a missionary congress were among the events of this memorable year. The congress was the occasion for a Papal Letter to the Prefect of Propaganda on the 19 August, 1950. In it the Pope gave the great watchword: all the faithful for all the infidels. Among the objectives allotted to missionary activity at home, we may select the following: 'It is necessary at all costs to bring higher circles of society to understand that the propagation of the Gospel is absolutely essential for the true prosperity of mankind and the strengthening of civilisation...: let the Press lend its precious assistance to those who are preparing and leading the great, noble fight for truth and justice, and for peace and harmony between all nations.' As for the new measures to be employed in missionary work, they are: to give special attention to social questions, to study the science of missiology, to adapt Christianity to every nation. 'The Church has no desire to dominate nations or to gain power in purely temporal affairs. Its sole and ardent desire is to bring the supernatural light of the faith to all nations, and to contribute to the development of human civilisation and fraternal union between peoples.' Could one affirm more fully and in so few words the international and civilising character of Catholic missions ?

From 1950 onwards, documents on the missions appeared with increasing frequency. This was the period of the great encyclicals on the subject. It was the period also when the main lines of action and work were being developed for the laity, and in which the new young States were becoming conscious of their own individuality. Since 1949 China had been

under the communist yoke — a constant anxiety for the Pope who was soon to express his mind in several solemn pronouncements. But everywhere the primary intention, as we have defined it, continued to be reasserted. In order to avoid repetition and for the sake of greater clarity, we shall deal with these great themes in succession.

The first congress of the international lay apostolate was held in Rome in 1951, the second in 1957. In the interval, regional congresses were held in Uganda in December 1953, and in Manila in December 1955. These various congresses consecrated the equality of the races, the sessions being presided over in turn by Asiatics and Africans, as well as by Europeans and Americans. At these congresses the Pope preached loyalty to the Church, loyalty to one's native country, and participation in the various international tasks. The encyclical 'Evangelii praecones' of 1951 repeated the same advice. 'There is no age in which the Church, by the indefatigable labours of the clergy and with the help of the laity, has not produced new religious growths and likewise led nations to greater social prosperity'. Catholic Action groups must therefore be set up everywhere, and the Pope adds: 'Although, as everyone knows, Catholic Action is intended principally to promote apostolic works, yet there is nothing to prevent those who belong to it from being also members of associations whose aim is to bring social and political institutions into line with the rules and principles of the Gospel. Rather, they should join these associations not only in their capacity as citizens, but also as Catholics: the rights which are theirs permit it, and the role, to which they are obliged, demands it'.

More recently the Pope had directed the active attention of the International Catholic Organisations to the service of the missions and great world problems. For this purpose a new institution was set up in Rome: 'Catholic International Organisations: Missions', which was to be responsible, as its name indicates, for ensuring and increasing contacts with each other. Similarly, the Pope charged Catholics to co-operate actively with neutral international organisations, and to join and influence them. In the lay sphere we can see the continuing

emphasis laid on the international and civilising character of the missions.

The Letter of 1950 had directed attention to social questions and the obligation of improving the condition of the poor and of workers everywhere. Thit was to be from now onwards the leitmotiv of papal teaching. In 1951 the encyclical *Evangelii praecones* consecrated several vigorous and emphatic pages to it. The Church must display its goodwill and effectiveness in this matter. It was not sufficient to engage in work for the sick and the poor, though these are indeed 'the loveliest flowers of the garden in which Gospel workers spend themselves'. It was the very status and condition of the worker that had to be changed and improved. 'In accordance with your resources', said Pius XII to the missionary bishops, 'you must form social and economic groups, and associations and institutions as the circumstances and the character of your population require'. The communist menace looms larger over all the missionary countries. This is a new motive for disarming this world-wide movement and fighting it on its own ground. In 1957 the encyclical *Fidei Donum* returned to this point and congratulated the bishops of Africa on having already on many occasions 'given their flock a strong warning against the peril which these false shepherds were leading them into'. It was not enough to resist evil and error. 'You must set up organs of social action to stimulate the best Catholics to social service'. Special attention must be devoted to the civic and social training of overseas students who go to study in the universities of Europe and America.

In a certain sense international problems take precedence over social problems, or more exactly they give them a broader and more universal coefficient. In 1955 we entered the era of Bandung, that is to say, the period when the under-developed populations began to awake and claim their rights. The attitude of Catholics to thes redoubtable problem had been stated by Pius XII several times, but in minor and occasional writings. Similarly the Catholic view of colonization and decolonization had not received much attention. One fact however was significant. It was in a missionary encyclical, *Fidei donum,* that the Pope expressed his mind clearly, taking up again a passage from the

Christmas Message of 1955. Once more, international preoccupations had their repercussions in the missionary sphere, and rightly so, for political circumstances affect the preaching of the Gospel in many places. And what is noteworthy is the balance and moderation of the Pope's statements, and the serenity and loftiness of his thought in such a hotly debated question.

'The Church which in the course of centuries has seen so many nations come to birth and maturity, cannot but be specially interested today in the rise of so many peoples and their attainment to the responsibilities of political liberty. Several times already We have begged the nations concerned to proceed along this road in a spirit of peace and mutual understanding. 'Do not refuse a just and progressive freedom to those people (who aspire to it), and do not place any obstacle in their way,' We said to one side; and we warned the other side to give the credit for their advancement to Europe; without its influence in every domain, they might have been induced by a blind nationalism to plunge themselves into chaos or slavery. (Radio Message, Christmas 1955). While repeating here that twofold exhortation, We express our desire that in Africa a great work of constructive co-operation will be set in hand, free from prejudices and excessive sensitiveness, preserved from the seductions and narrowness of false nationalism, and capable of imparting to those populations, so rich in resources and in their future, the true values of Christian civilisation which have already born so much good fruit on other continents'. The key words are: peace, understanding, mutual, constructive co-operation. Once again, the missions are connected up with Christian civilisation, and in the context the word 'Europe' must be understood in the sense of Catholic Europe, practically synonymous here with Christian civilisation.

The Pope looked to missionary work for progress and improvement of the human community in its entirety. He did not miss any opportunity of stressing the services which it renders to young States in course of development. Thus, when receiving the first Indian minister accredited to the Holy See in 1949 he said: 'Our sons (missionaries) will have no more noble aim or

greater glory than to serve, and by their service to prepare for the great people to whom they belong or among whom they work, the way which leads to true prosperity, peace and happiness'. And the following year he said to the Indonesian minister: 'We are sure that the sons of the Church working in Indonesia will be second to none in their ambition to serve their country and their compatriots with disinterested devotion in the spheres of education, charity and civic duty. To this they are bound as members of the great human family and as Catholics'.

The Pope drew attention to several points of detail: for example, the raising of woman's status which has been achieved by Christianity. Devotion to the Blessed Virgin, he said to the Catholics of South Africa on 4 May, 1952, 'has not only lifted woman out of her condition of degradation, but has given her that impulse which has made her a latent force and the source of a renewed and refined vitality in civilisation'. Similarly with regard to the care and education of children, which is the object of the work of the Holy Childhood. 'In those regions to which the heralds of the Gospel bring Christian faith and civilisation (note this expression), there is an immense multitude of infants and children whose needs must be met before all. To rescue abandoned children with the utmost charity, to rear and train them in a Catholic spirit, to purify and redeem them with the water of baptism, to educate them and teach them a trade, to train them in the evangelical virtues, and to make them into men worthy of the name of Christian and citizen, all this is what the missions have undertaken according to their resources, with a praiseworthy intention and at the price of praiseworthy efforts'. In that last sentence, human and supernatural viewpoints are constantly mingled as though to illustrate the role which Pius XII assigns to the missions.

Even in the formation of the clergy and the local hierarchy he displays the same international and civilising concern. Pius XII multiplied African and Asiatic bishops, and he gave full approval to the recruiting of indigenous clergy and religious of high quality and in great numbers. In doing this he un-

doubtedly wanted to build the Church on firm local foundations, but also to restore to all races a confidence and sense of their own dignity, to lift them to a level of equality with the so-called civilised races and to contribute to the harmony and richness of the international community. A native clergy, 'the flower of the missionary apostolate', is the Church's dearest wish (13 June 1940 and 28 June 1948)). A native hierarchy is a proof of the supranationality of the Church. 'As in numerous places a normal ecclesiastical hierarchy has been set up already with bishops chosen from the inhabitants of the place, it is becoming still more manifest that the religion of Jesus Christ is truly Catholic, and that it cannot be counted a foreigner in any place on earth' (*Evangelii praecones*).

On the shoulders of the Chinese bishops and priests, as likewise on their faithful, rests the weight of persecution and the future of the Church in China. This painful situation occasioned three great documents: an Apostolic Letter in 1952, and two encyclicals in 1954 and 1958. In them the Pope naturally recalls the principles of the Church's unity and the loyalty which is owed to himself. But he does not miss the opportunity of vindicating the work of the missions forcefully and justly, and he describes once again their contribution to human prosperity and the welfare of peoples. A new argument is advanced, namely the diverse and international origin of the missionaries. 'The fact that these missionnaries are not citizens of one single foreign nation, but are chosen from many of them, is clear evidence that the real character of the Catholic Church is universal. Indeed, these heralds of the Gospel seek nothing, and desire nothing so much as to adopt your country as their second native land, to bring it the light of Catholic teaching, to train it in Christian morals, to help it with supernatural charity, and to lead it gradually by the progressive increase of indigenous clergy to a state of full maturity; and this will enable it to dispense with the assistance and collaboration of foreign missionaries'. Then follows a paragraph on the good done by Sisters 'who, like consoling angels, consecrate themselves also among you to the care of schools, orphanages, hospitals and refuges, and are animated by the divine spirit of charity'. Be-

sides, 'Chinese Catholics are second to none in their ardent love of their noble country and their sincere loyalty to it'. China itself, once it has been illuminated with the light of the Gospel, 'will draw from it the greatest spiritual riches, namely the Christian virtues which reinforce and perfect the natural virtues'.

Everywhere and at all times, missionary work has spread its benefits in the interests of civilisation and universal harmony. The Church which is tied to no one culture, protects and fosters all of them provided that they do not contradict the moral and divine law. Rather, Christianity brings non-Christian religions to their perfection. As Pius XII said to Indian Catholics on 31 December 1952: 'Make it understood that everything that is true, and everything that is good in other religions finds a deeper meaning and likewise its own completion in Christ, for the Catholic faith reveals a knowledge of divine truth and a power capable of saving, sanctifying and uniting man with God which makes it infinitely superior'.

The Catholic faith adopts the same attitude to the modern civilisation which is being shaped and built under our very eyes. It is enough to read *Fidei donum* to appreciate this. After listing the difficult conditions created for the missions in Africa by exacerbated nationalism, atheistic materialism and Islam, the Pope touches on the precipitate advance of Africans towards a technical civilisation. 'At the moment when new structures are being sought and when certain nations are in danger of surrendering themselves to the fallacious prestige of technical civilisation, the Church has the duty to offer them in the fullest possible measure the substantial riches of its teaching and its life which inspire a Christian social order'. It would serve no purpose to hold aloof from modern instruments of diffusion of thought. 'We must extend the Catholic press in every form and study modern methods of propaganda and culture for we know the importance in our days of an enlightened and formed public opinion'. Elsewhere, in *Miranda prorsus,* Pius XII praises missionaries who have grasped and used the popularity of the cinema. His constant preoccupation is to inject the Christian spirit into every form of civilisation, and

to set the missionaries on to new tracks.

As the crown of all this, his words on the dogma of the Mystical Body give this international human outlook its highest, its supernatural expression. The encyclical *Mystici Corporis* could not but allude several time to the Church's missionary work, to its mission of peace and salvation already spoken of in a Letter to the Chinese Catholics. *Evangelii praecones* supplies the explanation: 'All the faithful form in fact one large family and all share in the merits of the Church militant, suffering and triumphant. Nothing then seems more appropriate than the doctrine of the Communion of Saints to impress on the minds and hearts of the faithful the usefulness and importance of the missions'. The Pope of peace and civilisation and Christian international order is also the Pope of the Mystical Body. This dogma gives to all the rest a foundation and consecration, a base and a crown. The pontificate had opened with *Summi Pontificatus* recalling the common origin and unity of mankind. The great missionary encyclical closes with a passage on the eminent value of the Communion of Saints in missionary pedagogy. The thought remains coherent and unified throughout. Everything indicates that we have here an essential theme not only of Pius XII's missionary teaching but of his whole teaching. It is a splendid theme, suited to our times and rich in application. It is Pius XII's own personal theme, not of course in its discovery, but at least in the frequency with which he spoke of it and the depth of meaning which he gave to it.

We must now sum up this analysis.

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Our concluding reflections can be summarised under two heads: the place of the missions in the world, and their place in the Church.

It would be absurd to deny that in the mind of Pius XII the missions were a spiritual activity whose primary purpose was supernatural. It did not come within the scope of our article to accumulate quotations on this point, but that would be a

simple matter. However, it is clear from what we have said that the Pope, in conformity with the main purpose of his pontificate and owing to circumstances, took every opportunity of emphasising the human influence of the missions, and especially their international and civilizing value. This, we believe, is an additional and enriching element for missionary theology.

Missions make for peace in the world; they bring the nations together, and they are an instrument of universal harmony. This, not only because they acclimatize the spirit of Catholic brotherhood in every land, but because they bring men into touch with each other in charity and equality. Valéry, I believe, once expressed the desire that contacts between races and peoples should be made by the best of their representatives. This is the case here. In the missionaries, Europe and America have delegated to Africa and Asia the noblest and most disinterested of their sons. And these sons have a deep desire to learn the language, customs and traditions of their adopted country. They have literally built a bridge of love between East and West. At the moment when Unesco is undertaking to get men to know and understand each other better, a pope had to stress this contribution of the missions to the unity and harmony of the human race.

Missionary work in its various forms — cultural, charitable, scholastic, medical — takes its part in the crusade of service to the countries which are in process of development. By its teaching and its humane practice of decolonization, it helps to neutralize causes of conflit and points the way to constructive collaboration. It reminds young States of the conditions for a sound civil life, and for internal and universal peace; it puts young nations on their guard against the maladies which would ruin their soul and undermine their traditional spirituality. It provides in part those sound and energetic bodies of men who are disinterested and intent on the common good, and who will avoid the dangers of a too hasty growth. It brings an atmosphere that augurs well in face of a difficult and uncertain future.

Missionary activity occupies itself with improving the lot of the humble and the workers. It gives first place to the dignity

of the human person — the guiding star of Catholic social order and a safeguard in technical and industrial evolution. It secures for women and children the place which is their due in a society framed on solid and happy principles. It procures respect for the rights of the family and the individual in face of the Moloch-State and menacing totalitarianisms. By giving importance to native clergy and laity, it rehabilitates all races, giving them self-awarenesss and self-confidence. It preserves hope in the hearts of peoples often despised or thwarted in their aspirations. It wishes to bring to perfection the richness of each regional mentality, with its capacities for culture, thought and art. It contributes to the development of human potentialities and hidden powers.

Thus what is uppermost in Pius XII's thought is the apologetic character of the missions and, more profoundly, what may by called their character of an epiphany.

At the same time the concept of the mission is developing within the Church. As Père Naïdenoff shows in the volume, *Philosophie-Religion* of the *Encyclopédie Française*, we are witnessing an absorption and integration of the missionary concept. The Pope often referred to the provisional and ephemeral character of the missions. They raise all nations to the same level, the level of exchanges and communication of benefits. It is the level of a common and equalitarian status between all Catholic communities in unity and charity. Missions continue, but they are being transformed. Countries and Catholic communities are in a sense becoming uniform, and differences are progressively disappearing. Just as mankind is becoming unified in spite of its fierce conflicts, in the same way the Church is participating more and more in these conflicts and is subject everywhere to the same pressures and threatened by the same dangers. As the missions become absorbed into the Church, they are universalized. Catholicity is manifested in concrete facts, all races are found in the Sacred College, in the Roman Curia and the episcopate, and among the lay leaders of international standing and position.

More and more the weight of the whole Church rests on the shoulders of each Catholic. For the magnificent slogan of Pius

XII 'all the faithful for all the infidels', we might, without betraying his thought, substitute: all Catholics for all men. The Mystical Body is growing conscious of itself, and the Communion of Saints is passing into fact. Thus while seeming to be only partly interested in the missions, Pius XII in a sense did nothing but speak for them and work for them. All his teaching applies to the missions, which are henceforth universalised, penetrating into and being integrated with the Church's whole activity, and becoming lost in this general activity.

To our age of satellites, to the finite world of which Valéry spoke, to the world which has now completed the discovery of itself, Pius XII presents a missionary teaching which it can understand. The missions are no longer a work of supererogation or a specialised activity; they are the immense outward breathing of the whole Church, the forward position in the universal fight against the forces of death and evil, the epiphany of its charity and divine energy, man's divine response to the call of God.

(Translated by John Joyce, S. J.,)

CHRISTOPHER HOLLIS

The Council of Europe

From Roman times until the earlier years of this century the world has been dominated to an extraordinary extent by the peoples who inhabited that little knob at the end of Asia which is known as Europe. In the nineteenth century all the Great Powers of the world were to be found in this tiny Continent. World politics were European politics, the rivalry between the Powers of Western Europe. In so far as other continents had any politics, their politics were those of the conflict between European Powers for spheres of influence. In the first years of this century there were only two Great Powers which were not European Powers — the United States and Japan — and they at that date were still Great Powers by courtesy. For they voluntarily limited themselves to a concern only with the affairs of their own parts of the globe and did not attempt to play their parts in the world at large. Since then two world wars and the economic developments between those Wars have brought about a tremendous and, for Europeans, a most humiliating transformation, and Europe which went into the First World War the home of all the Great Powers in the world emerged from the Second the home of none. On the contrary the only two really Great Powers were the two gigantic mass Powers of Russia and the United States, to the east and the west of Europe. The development, foreseen a hundred years before by the great French thinker, de Tocqueville, had taken place with startling rapidity and the Western European nations found themselves faced with the terrifying threat of becoming no more than an appanage of either one or the other of the Great Mass Powers.

Faced with this threat, a number of European statesmen — most prominent among them Mr. Churchill, not then in office — saw clearly that the European nations could no longer afford what were essentially the international civil wars with which the previous two thousand years of their history had been filled. If they continued to fight one another, all must inevitably perish. Europe could only hope to survive if she was prepared to unite. Mr. Churchill in great speeches at Zurich, the Hague and elsewhere, raised the cry of 'Europe, unite'. Other statesmen in other countries, M. Robert Schumann in France, Signor de Gasperi in Italy, M. Spaak in Belgium, joined with him in his campaign.

It was as a result of this campaign that the Council of Europe came into being in 1949. Its purpose, as its Statute proclaimed, was 'to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress'. Its seat was established at Strasbourg — a town that had the disadvantage of very unsatisfactory communications but which was chosen as a frontier town between France and Germany, the two nations whose conflicts of a thousand years had been the most potent cause of European disunity and where it was felt that there was a better hope that disunity would be overcome than in some town more defiant in its national allegiance. There were ten founder Members of the Council of Europe — Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom. At its first session the Council invited Greece, Turkey and Iceland to join it and these invitations were accepted. In 1950 Western Germany and the Saar joined as consultative members and in 1951 Western Germany became a full member. In 1956 Austria joined and in 1957 the Saar ceased to have separate representation when it became one of the lands of the West German Republic. Of non-Communist European states, Switzerland, Spain and Portugal alone are not members — Spain and Portugal because they are not parliamentary countries and Switzerland because she declined to join owing to her traditional policy of neutrality

and non-commitment. Each member country bears the expenses of its own delegation and the expenses of the secretariat are met by a levy from member countries calculated 'on the basis of the population of members'. This has worked out up to the present at something like three farthings per head per annum from each individual inhabitant of a member state. Responsibility for revision of the Statute rests with the Committee of Ministers who by Article 41 'shall recommend and cause to be embodied in a protocol those amendments which it considers to be desirable'. There have been in the course of the Council's history certain small amendments calculated to give slightly more power of initiative to the Consultative Assembly, but basically the constitution is as it has been from the beginning. The Council of Europe consists of two Chambers — the Committee of Ministers representing the Governments and the Consultative Assembly, representing the Parliaments. The Committee of Ministers consists of one representative — either the Foreign Minister or his deputy, the Permanent Representative at Strasbourg — from each member state. It meets before each session of the Assembly and at other times as required, debates in private, considers the resolutions that have been passed by the Assembly at its previous session and decides whether to reject or endorse them. On procedural matters only a simple majority is required for endorsement, on questions of minor importance a two-thirds majority is sufficient, but on questions requiring recommendations to Governments a unanimous vote is necessary. This requirement of unanimity means of course that it is very difficult to get any matter of moment endorsed. Sometimes the Committee adopts the solution of 'partial agreement', by which some members agree to accept a certain responsibility while others opt out. Thus eight members have subscribed to the recently founded Resettlement Fund for Refugees. The others reserve their freedom.

The Consultative Assembly should be, as its names implies, an Assembly which the Ministers consult. In practise things have worked the other way round. The Ministers have very rarely consulted the Assembly. On the other hand the Assembly has taken control of its own agenda and sends up its own

resolutions to the Ministers. The Assembly consists of 135 representatives, drawn from the fifteen member states, roughly in proportion to their populations. The major states — Germany, France, Italy and the United Kingdom — each send eighteen representatives, the others in proportion. The Consultative Assembly is unique among international bodies in that its representatives are not representatives of Governments but of Parliaments. Opposition parties (all except the Communist) contribute to the delegation in proportion to the strenght of their parties in the national Parliament. Each nation can choose for itself the method of appointment. Representatives shall be 'elected by its Parliament or appointed in such manner as that Parliament shall decide'. In some countries the general body of the members of each party elect their representatives, in other they are appointed by the leaders of the parties. There would be nothing to prevent the Parliament of a particular country deciding that its representative should be elected by direct popular vote, but no country has yet felt that there is sufficient popular interest in the Council to justify such an experiment.

The Statute lays down that the Assembly shall hold one ordinary session a year, to last not more than a month. In fact, to prevent a gap of twelve months between meeting and meeting in a world of such rapid development the session has always been divided up into two or three parts. The session begins with the submission of a 'Message' from the Committee of Ministers — a report usually delivered by its Chairman. It then turns to the debate of the resolutions proposed by its own members. A resolution to be passed requires the support of a two-thirds majority of those members present and voting. Vote is by roll-call. A resolution when passed is remitted for consideration to the Committee of Ministers.

There are a number of committees, composed of selected members of the Assembly. Of these the most important is the Standing Committee, consisting of the senior officers of the Assembly — the President and Vice-Presidents and the Chairmen of Committees and other members elected on a geographical and party basis to a total of about thirty. It is their duty to represent the affairs of the Assembly during the intervals

between its sessions and to prepare the business for the next session.

The other Committees deal with particular subjects. They vary in detail from time to time but at present there are ten — general affairs, which is the political committee, economic, social, legal, cultural, procedural, agricultural — a committee to consider relations with non-members states and a committee for the consideration of the Assembly's own budget. All resolutions proposed to the Assembly are first remitted for consideration by the relevant committee and the committee's conclusions on it are reported to the Assembly by its rapporteur.

In 1950 a Joint Committee of representatives of the Assembly and the Committee of Ministers was established. There had been a good deal of complaint of the negative contempt with which the Ministers treated the Assembly. Never, it was alleged, consulting it in spite of its name and almost always rejecting its resolutions. It was hoped that this liaison committee would help to create more cordial relations. After the passage of the Declaration of Human Rights there was established in 1954 a Commission of Human Rights, the members of which are chosen by the Committee of Ministers from a list submitted to them by the Assembly. This is the judicial body of the Council and its duty is to hear complaints brought to it of alleged violations of human rights whether by individuals or by states. At the service of the Council is a permanent secretariat manned by nationals of all the member states roughly in proportion to their populations.

Such then is a rough outline of the organisation of the Council of Europe. Its political evolution is more interesting and important. In 1949 the representatives of the European nations met at Strasbourg in response to the demand for European unity. But up till then no one had given any clear answer to the question what form that unity was to take. The first task of the Council was to find an answer to that question, and it was with that answer that the first two years of the Council's history were filled. There were two groups, or parties, in the original Council — the functionalists and the federalists. It was

the argument of the federalists, to whom most of the representatives from the Latin countries belonged, that Europe should achieve her unity by adopting at once a constitution on the model of that of the United States of America. The present states of Europe should be relegated to the status of the individual states of the United States. They should resign certain specified powers to a central federal European Government, which should be directly and popularly elected and have power of taxation. The British and the Scandinavian delegates thought the parallel between the American states and the European nations, each one of them possessed as it was of so rich an historical, cultural and linguistic tradition, was an unreal parallel, and that the whole experiment risked shipwreck if enthusiasts should be allowed to run too far ahead of popular opinion and popular imagination and that it was necessary first to accustom people to less spectacular forms of European cooperation before it would be wise to attempt dramatic constitutional experiments of this kind. These representatives — the functionalists, as they were called — made it clear that their nations — the United Kingdom and the Scandinavian nations — would not be able to join an immediate federal system. It was soon evident that the federalists were not immediately strong enough to carry the day and that, if they insisted on establishing a federal constitution, the consequence would be the secession of the United Kingdom and the Scandinavian Powers — a consequence for which they were not prepared. Therefore the Council contented itself with evading the issue, passing a resolution which asserted that 'the aim and goal of the Council of Europe is the creation of a European political authority with limited functions but real powers'.

This resolution in itself might have meant anything or nothing, but it was clearly understood that the first victory had gone to the functionalists and that Europe was not to have an immediate federal constitution. But then the federalists very fairly turned on the functionalists and said to them, in effect, 'we have propounded our federal solution and you have rejected it. Very well. We accept the decision, but at least we clearly explained what we meant by our federal solution. You

have by no means so clearly explained what you meant by your functional solution. That are your proposals for the functional unity of Europe ?'

The man who, more than any other, attempted to give answer to this question was M. Robert Schumann, at that time the Foreign Minister of France. M. Schumann's suggestion was that the statesmen of Europe should take a number of specific activities, suitable for supra-national control and impose on each of them its own appropriate supra-national authority. Thus, he argued, first in one activity and then in another a habit of European cooperation would grow up and, after a time, when Europeans had proved themselves able to cooperate in a number of particular activities, it might be possible to take up again the general question of European unity with better hope of carrying it to success.

There was no industry, he argued, more peculiarly suited for supra-national control than coal and steel. The reason why it was so suited was that steel had in any event been for many years under the control of international cartels. There was no question whether a steel producing nation should tolerate foreign interference with its production. It had known such interference in any event for generations. In any event the European steel industry was, and was going to be, international. The question was solely whether it was better that it should be under a responsible or under an irresponsible supra-national authority.

Therefore in 1950 M. Schumann proposed to the seven interested Governments — France, Italy, Germany, the three Benelux countries and the United Kingdom — that they should consult together to see if they could work out a plan for the establishment of a supra-national authority to regulate the marketing and production of steel and coal. In the United Kingdom, then still under Mr. Attlee's Socialist Government, there was still a sufficient suspicion of any plans that seemed to infringe on national sovereignty to cause the Government to reject M. Schumann's invitation. The other six Governments accepted and, as a result, the Coal and Steel Community with its headquarters at Luxembourg came into being in order to

regulate these industries on the Continent. The United Kingdom, excluded by its own action from membership of the community, has entered into treaty relations with it.

Even if the time had not yet come to establish a full federal European constitution, friends of the Council of Europe were anxious that it should be recognised as the spokesman for Europe whenever Europe wished to speak with a united voice. At its first meeting in 1949 most of the leading statesmen of Europe had attended as delegates and there seemed in its early years a good chance that it might come to be recognised as such a spokesman. For instance in 1951 the United States sent a delegation of seven Senators and seven Congressmen to consult with delegates from the Council of Europe in a 'Conference of Strasbourg'. on American-European relations. But the conference was not able to achieve very much. American opinion was on the whole impatient of what it thought of as Europe's petty nationalisms. It thought that a truly united Europe would be a more effective bulwark against Eastern Communism, perhaps did not always appreciate the strength of the national traditions of the European countries and very rapidly began to lose interest in the Council of Europe, once it became evident that the federalists were not going to win a quick victory there.

Indeed with the establishment of the Coal and Steel Community, confined to the six central countries of Europe, with te strength of federalism in those six countries and its weakness in the countries of the periphery, there was always a danger, as indeed there still is, that the movement for unity might succeed in the six countries and fail elsewhere, that the Council might break up and that the movement for European unity might therefore result in dividing Europe rather than in uniting it. In the hope of preventing this Mr. Eden, then foreign Secretary in the new British Conservative Government, propounded in 1952 the Eden plan by which he suggested that any new communities such as the Coal and Steel Community that might be established, even if all the members of the Council of Europe did not belong to them, should nevertheless work through the machinery of the Council. However Mr. Eden had never shown much favour to the Council of Europe. Un-

like Mr. Churchill and Mr. Macmillan, he had never attended as a delegate when in opposition. He was widely thought of as a Foreign Office man, who would much prefer that all international negotiations be carried on between Governments and who thought the intrusion of irresponsible politicians who were not members of governments a nuisance. His proposal therefore did not arouse much enthusiasm at Strasbourg — indeed, if anything, hardened the feeling among Continental federalists that Britain should either come in or get out but could not have it both ways. In spite of the Eden proposals talks were pushed rapidly forward for the formation of two more European communities. Of these the one was for a political community — a revival of the federal plan — now revived under the knowledge that the United Kingdom and the Scandinavian countries would certainly not join it, and its formation would mean a federation of the Six by their act separating themselves from the peripheral countries of Europe. The other community whose formation was at that time under discussion was a military community — the body that was at first known as the European army and afterwards as the European Defence Community.

One of the main motives for uniting Europe was to make more effective its military defence against the Russian threat, and, once Western Germany had been admitted into the Council of Europe and into other international bodies, every European statesman found himself confronted with a difficult dilemma. On the one hand, if Western Europe was to rearm herself effectively, it seemed ridiculous not to accept a contingent from Germany — potentially the most powerful and militarily the most efficient of the European nations. On the other hand no one could fail to see the force of the argument, when it was used in other European countries, which said, 'We have been overrun by German forces twice in a lifetime. We have just barely escaped from a desperate war for the destruction of German militarism, and now we are to be told that the thing that we must do is to rearm Germany. If arms are to be put once more into German hands, what guarantee have we that those arms will not be turned against us rather

than against the Russians?' This argument, powerfully urged in every European country, was urged with especial force in France.

To escape from this otherwise insoluble dilemna the idea was put forward that advantage should be taken of the European idea to substitute for the separate national armies of the European states a single European army. To that army the Germans could make their contribution along with the other states, but since there would be no independent German army and no separate German general staff, a German rearmament, carried out in such a manner, would not bring with it any danger of a revived German militarism.

In order to obtain the adherence of neutral Sweden the Council in its original charter asserted that 'matters relating to national defence do not fall within the scope of the Council of Europe'. This prohibition had however never been much observed, and there was little feeling on any side that it was wrong in principle to debate the idea of European defence. In the popularisation of the idea of a European army the British — and in particular the British Conversatives, still in opposition — were leaders. It was Mr. Churchill who proposed the resolution in favour of an European army at Strasbourg and who accepted the amendment moved by the French M. Reynaud that such an army should be responsible to a European Minister of Defence. To whom the European Minister of Defence was to be responsible was never made quite clear. The French were disposed to accept this plan, but they were only disposed to accept it on the understanding that Britain would be a full member of the new European Defence Community. 'When as a result of the election of 1951 the Socialists went out of office in Britain and the Conservatives came into office, French opinion, in view of the strong Conservative support of the European army, was confident that Britain would join the European Defence Community. It was therefore a great blow to the French, when two months after the election Mr. Eden, the new British Foreign Secretary, announced at Rome that Britain would not join it.

This changed the whole attractiveness of the proposal to the

French. To join a European Defence Community in which Britain as well as Germany was a member and in which Britain could act as a counterpoise to Germany was one thing. To join a European Defence Community in which Germany was a member but Britain was not a member, was in French eyes something totally different. Frenchmen feared that such a community would inevitably be dominated by Germany and that such a plan was merely a roundabout device for assuring German hegemony of Western Europe and reversing the verdict of the last war. Therefore from the time of Mr. Eden's declaration that Britain would not join the E.D.C. it was always unlikely that the French Assembly would accept it. It would perhaps have been more convenient had the French at once and firmly said that the E.D.C. in this form was not acceptable to them. Europe would then have known from the first where it stood. However for domestic political reasons the French were neither ready to accept E.D.C. nor were they ready to appear as the frank enemies of European unity. Therefore there followed a period of procrastination with falling French governments and a continual postponement of decision. It was not until M. Mendès-France became Prime Minister in the early months of 1954 that the issue was frankly faced and the French Assembly rejected the E.D.C.

At that moment it looked as if all attempts to build a European unity in matters of defence had ended in total failure. Something was rescued from the wreck by Sir Anthony Eden (as he had then become) who obtained the agreement of the other European Powers to the formation of a military alliance, which is know as the Western European Union. However there is no concealment of the fact that this alliance is little more than a military alliance between independent sovereign states of the old-fashioned type and that all attempts to build a supranational European army have ended in failure. The Germans have been allowed — indeed encouraged — to rearm as an independent Power. To that extent it might be argued that the French had cut off their noses to spite their faces. On the other hand of course they could comfort themselves that the British had agreed to join the Western European Union and had given

a promise that they would keep troops on the continent of Europe.

French anxiety about the policy of other European countries does not spring merely from a historical fear of Germany but also from the fact that, owing to the Algerian war, she has had during the past years always to keep a very substantial proportion of her forces outside Europe. In spite of the compromise of the Western European Union it proved that British refusal to support E.D.C. had a very profound effect on French thinking. Up till then the French had usually agreed in abstract to the strongest European policy but had always made the reservation that no European policy was in practise acceptable unless the British would join it. Without the British the dangers of domination of any European body by Germany were to their minds too great. But after the British defection on E.D.C. French opinion seems to have come to the conclusion that Britain was so impenitently isolationist that, if they waited for Britain to join every international body, no international body would ever come into existence. Therefore the French decided there was no alternative to an abandonment of their old suspicions of Germany. The last years have seen a remarkable change in the European picture — a substitution for the old Franco-German suspicion of a policy of very close cooperation between France and Germany. When in 1958 the French Third Republic collapsed and General de Gaulle's regime took its place, there were some who prophecied that this would mean a revival of French nationalism and isolationism in the old sense. This has not proved to be the case. On the contrary there has been a closer collaboration between Chancellor Adenauer and General de Gaulle than there has ever been before between a German and a French statesman.

Undoubtedly this development took British statesmen by surprise. The experience of the first decade after the war seemed to have shown, as has been said, that France would never accept any European scheme which the British would not join. Therefore, when the first suggestions were made that the European Powers should try to create a Common Market among themselves, British statesmen raised to that suggestion the per-

fectly reasonable objection that the United Kingdom could not be expected to give better trading terms to the countries of the European continent than to the countries of their own Commenwealth, but, having raised the objection, did not at first pay any further very serious attention to the negotiations, thinking that with British abstention there was little chance that they would come to anything. In that they proved mistaken.

In 1955 the Foreign Ministers of the Six Powers, meeting at Messina, passed on a proposal from the Benelux countries a resolution that 'the aim of establishing United Europe must be pursued by the development of common institutions, the gradual merging of national economies, the creation of a common market and the progressive harmonisation of social policies'. M. Dehousse, the new President of the Council of Europe, himself a Belgian Socialist, expressed in the next year his hope that the Council would in future concern itself less with what he called 'the Soviet obsession' and more with positive work for European unity. As a result of the Messina resolution the statesmen of the Six set before themselves three positive tasks. The first was to create a common organisation which would make it possible for European nations to undertake work for the development of atomic energy which none of them would be financially able to undertake alone. This organisation has come to be called Euratom. The second was the creation of a Common Market free of tariff barriers and quantitative restrictions and, as one of the difficulties in the way of allowing complete inter-European free trade was that, as was alleged, nations differed greatly from one another in the social services which they supplied for their citizens, the project for a Common Market logically led to a project for the harmonisation of the social services.

Throughout 1956 there were a series of debates both in the Council of Europe and elsewhere on these projects. It was only gradually that it dawned on the British that the Six were likely to carry through their project of a Common Market even in spite of British abstention from it and that it would not be possible to establish a Common Market between the Six without establishing a common political authority to enforce its

conditions. The British were greatly taken by surprise by the signature of a treaty at Rome by which the Six agreed to bring their Common Market into existence in various stages, beginning from January 1, 1959.

Germany is one of Britain's most formidable manufacturing competitors and the Continent of Europe is one of Britain's most important export markets. Therefore the establishment of a Common Market, where Germany could sell duty free on French or Italian markets, from which Britain was excluded by tariffs, was a great threat to British prosperity. On the other hand the argument that Britain had her obligations to the countries of the Commonwealth had validity. Had Britain merely repudiated these obligations and joined the Common Market without reservation, it would have meant that she would have had to let French and German goods into Britain duty free and erect against New Zealand and Australian goods such obstacles as the authority of the Common Market might ordain. Not only would she have had to abandon her traditional policy of Imperial Preference but she would have had to substitue for it a system of what might be called anti-Imperial Preference. As the greater part of Britain's food, unlike that of the Continental European countries which are substantially self-supporting in food, comes from the Commonwealth, neither Britain's honour nor her interest made such a policy possible.

The British therefore proposed the compromise of a Free Trade area. Let the central Six Powers of Europe, ran the argument, form their Common Market. Let the peripheral Powers of Europe — the United Kingdom, the Scandinavian Powers, Ireland, Austria, Switzerland — who are not able to join the Common Market, instead form with the countries of the Common Market a Free Trade area. All the countries of the Free Trade area would agree to abolish restrictions and tariffs as against one another's goods — with a special exception for agriculture. The difference between a Common Market and Free Trade area was that the members of the Common Market agreed not only to abolish restrictions between one another but also to adopt a common tariff policy towards the rest of

the world. The members of a Free Trade area agreed to grant free import to the goods of every other member of the area but reserved the right to adopt whatever policy they wished towards the rest of the world. Thus the British hoped that they would be able to trade freely with the other nations of Europe, while not being compelled to impose restrictions on goods from countries of the Commonwealth. But it proved that Continental opinion had by now hardened, that the French had decided in spite of ancient history to prefer the Germans who would accept arrangements to the British who were always making reservations and that the French, even more than other Europeans, were now inclined to say to the British, 'You must either come in or you must stay out. You cannot have it both ways'. Therefore in spite of some optimistic prophecies in their early days the negotiations for a Free Trade area ended in breakdown, and at the moment of writing the Common Market of the Six has come into existence, but no relation between them and the other European nations has been defined.

The danger of such a deadlock in the economic, the political and the military field, the danger that the movement for the unification of Europe will end in its irrevocable division into two parts is so evident that it is certain that further attempts will be made to prevent such a catastrophe although what precise form they will take and with what success they will meet it is as yet impossible to say. What seems to be required is some arrangement of unity which includes both the countries of the Commonwealth and the countries of the European Continent. In the meanwhile the Council of Europe, even though its voice may not be very powerful, has *set itself to play the role of a pacifier*. During te first ten years of its history its Presidents were always either Belgians or Frenchmen-statesmen from the countries of the Six. It has chosen this moment to elect for the first time a British President, Mr. John Edwards, a Socialist Member of the British Parliament.

The Council of Europe has done much incidental work on particular problems. In the economic field, of instance, it has sponsored special institutions, such as the European Payments

Union, the Coal and Steel Community (already referred to), the European Conference of Ministers of Transport, the European Civil Aviation Conference and the O.E.E.C.'s Committee for Food and Agriculture. The Assembly also receives at each of its meetings reports of progress from the O.E.E.C. and other international bodies. In the legal field the Council's great achievement has been the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed by the delegates of the fifteen member nations in Rome on November 4, 1950. It established a Commission of Human Rights before which any member state can summon another member state whom it accuses of having violated human rights. Seven of the member states have also accepted the obligation to answer before this Commission complaints made against them by individuals. The Council has also regulated the international classification of patents and the conditions under which nationals of one member state can take up residence in another member state. It is at the moment preparing conventions on extradition and compulsory international third-party moter insurance. It has secured the abolition of visas and passports between the majority of the member states and a special committee is at present sitting to see what further can be done for the simplification of frontier formalities. On social questions it has, as has been said, set itself the aim of harmonising the social benefits as between one member state and another. The Agreement on Social Security and Convention in Social and Medical Assistance of 1952 provide that any member state shall give the same medical treatment to nationals of another member state, working in its territory, as it gives to its own citizens. A European Convention on economic and social rights lays down a code of fundamental rights of the citizen which all member states promise to respect. In December, 1955, a special convention was signed to provide for the treatment of war cripples in whatever member state had the best facilities for treating their particular infirmity. At present a scheme of scholarships to enable medical students to study in other countries than their own is being worked out. In the cultural field the most notable achievement is the recognition

by all member states of academic degrees granted in other states. The cultural committee has also established plans for the international exchanges of professors and for the elimination from text-books of extreme national bias. The Council has produced a cultural identity card the possession of which enables the holder to obtain admission to libraries, art galleries, museums etc. on specially favourable terms. It also sponsors many courses at Strasbourg and elsewhere for 'the cultivation of the European idea'. Round-table conferences between the experts for the same purpose have been held in Rome and Strasbourg. A number of prizes and scholarships are offered and a European Cultural Fund to provide more resources for such purposes has just been inaugurated.

More than half of Europe is of course still behind the Iron Curtain and we cannot consider Europe as united until that Iron Curtain is removed. Therefore one of most important tasks of the Council of Europe has been that of provision for refugees from the other side of the Iron Curtain. Allied with that work is its work for emigrants from over-populated western countries such as Italy. The Council in 1953 appointed a Special Representative for Refugees, M. Paul Schneiter, a former French Minister for Health and Population. Under his recommendation a fund for the resettlement of refugees was established and this fund first came into use on a large scale when it made a grant of £ 100,000 to the Austrian Government for the settlement of Hungarian refugees after the Hungarian rising of 1956.

The Council has also always taken an interest in local and municipal affairs, encouraging the growth there of the European idea, and has devoted a good deal of its attention to relations with non-member states. There are three organisations with which it maintains particularly close relations — the European Coal and Steel Community, Western European Union and the Organisation for European Economic Cooperation. Of these the first two, of which in the first case the Six Continental Powers and in the second case the Six Continental Powers and the United Kingdom form the membership, are, as it were, bodies within the circumference of the Council. O.E.E.C. is a larger body consisting not only of the fifteen

members of the Council but also of Switzerland among European nations and of the United States and Canada from across the Atlantic. The relations between these two bodies are primarily relations of information. The Council also maintains relations of a similar sort with world-wide bodies such as the International Labour Office. UNESCO, the World Health Organisation, the United Nations' Commissioner for Refugees, etc. and it also gives varying degrees of consultative status to non-governmental bodies, Trades Unions, municipal associations and the like.

The Western European nations who are not members of the Council are, as has been said, Switzerland, Spain and Portugal-Switzerland by her own choice and Spain and Portugal because, not being Parliamentary countries, they are not eligible. The Swiss play their part on various committees, and Spanish and Portuguese representatives join in the work on patents. Spain has also recently been invited to adhere to the European Cultural Convention. Both the United States and a number of Commonwealth countries send official observers to the Council's debates. Mention has already been made of the joint meeting between delegations from the American Congress and delegates of the Council in 1951.

C. VAN GESTEL O.P.

Events and Trends

THE CHURCH'S INTERNATIONAL TEACHING

Although it is undoubtedly true that Christian thinkers throughout the centuries have applied themselves to the development of a doctrine of international morality on the basis of reason and revelation, it is no less true that, given the pace of modern progress, Catholic thought on international problems as presented by a learned élite and expressed with the highest authority by the Church's magisterium, finds itself at grips with many new and very complex problems. It is rightly to be regretted that such a body of thought, while being Catholic by definition, has not yet grasped the universality and catholicity of its own essential implications, at a time when the dilemma stated by His Eminence Cardinal Suhard several years ago is manifest to everyone, namely, 'Unite or perish'. One has the right to be shocked and exasperated at seeing the inertia, laziness and self-interest of peoples who boast of their western civilisation and its Christian foundations. One has the right to show astonishment (with Father Lebret) that 'Catholic schools, colleges, universities, Catholic Action movements and Catholic trades unions do not formulate, or do not teach at any rate with compelling force the necessary conclusions which follow, in the sphere of international relations, from the doctrine of which the Church is the depository and which she cannot cease from teaching. ([1]) Nevertheless — and the same writer provides the evidence and the proof — we can say with certainty that we are now witnessing the awakening of the Catholic international conscience. If Catholicism in general has not so far realised effectively its universal dimensions, 'this is because Catholics, like the rest, are prison-

([1]) L. J. LEBRET, *Suicide ou survie de l'Occident* (Paris, 1958, ed. 2, p. 356).

ers of their own civilisations. They have always been below the level of their message, and they will be so always. They can however get closer to it, and for anyone who travels about the Catholic world there is evidence that this is happening today... Christian thinkers are at work in Europe, America, Africa and in every little centre which remains to them near the territories from which they are being expelled. They are eager to make up for lost time and to fit into the Catholic vision of the world all that science and sociology can bring, so as to give the world a new synthesis...' ([2]).

The following pages do not claim, nor can they possibly claim, to follow step by step this advance of Catholic international thought, on account of the breadth of the subject and the abundance of literature on international problems in relation to the doctrine of the Church. Our only aim is to point out some manifestations of this awakening of an international conscience such as we find in recent publications, and some of which have already been presented to our readers by our colleague, Prof. J. Ladrière ([3]).

The Teaching of the Church's magisterium

The great credit for this growing awareness of our international duties and for the flowering of Catholic international thought is due without any doubt to the great Pope Pius XII.

Troughout his long pontificate he was the tireless supreme teacher of he Church and the world, and in his discourses, which fill twenty volumes, he unceasingly and boldly confronted Catholic thinkers with all the problems of the day. Among these problems, those concerning international organisation, peaceful collaboration between nations, and peace itself occupy a dominant position owing to their importance and their urgency.

His successor, Pope John XXIII, in his first Christmas discourse brought out the doctrinal and pastoral richness of this teaching. We cannot refrain from citing this passage in which we are given a summary of the nineteen Christmas discourses of His Ho-

([2]) *Ibid.*, p. 356.

([3]) See the first number of this review, pp. 87-124.

liness Pius XII: 'The series begins at Christmas 1939 with the statement of the fundamental points which are the conditions for peaceful coexistence among nations; it continues in 1940 with the prerequisites for a new European order, and in 1941, with those for a new international order. In 1942, he deals with the internal order of States and peoples; in 1943, with the light which the star of Bethlehem brings to the disappointed, the afflicted and the faithful, and he sets forth the principles of a peaceful settlement. In 1944, the sixth year of war, he expounds and explains the problem of democracy. In the following years, peace largely occupies the place of honour. Then in 1945, 1946, 1947 and 1948 he continues to treat of peace in its various aspects.

In 1949 he proclaimed the Holy Year, the year of God, the year which he wished to be the year of great pardon and a great return to God. Then in 1950 he took up again the theme of internal and external peace among nations. In 1951, he dealt with the Church and peace. In 1952 he delivered some impressive and moving words on men sunk in poverty and destitution, and on the comforting help of Christ. In 1953 he gave a lucid and exact statement on the world's technical progress and peace. In 1954, he shed a vivid light on the coexistence of men in fear, in error and in truth. In 1955, he set the attitude of modern man to Christ and Christmas against the background of the history and social life of mankind. In 1956, he spoke of the dignity and the limitations of human nature, giving a close-knit statement of pure doctrine with its applications to practical realities and personal life. Lastly, in 1957, he spoke of Christ, the source and guarantee of harmony in the world, in wonderful and consoling words which summed up the whole thought of Pope Pius XII...' And our present Pope went on: 'Without making any official pronouncement, which would indeed be premature, we may say that the triple title of Doctor Optimus, Ecclesiae Sanctae Lumen, and Divinae Legis Amator (Great Teacher, Light of the Church, and Lover of the Law of God) truly befits him' ([4]).

([4]) Allocution of Pope John XXIII to the Sacred College, 23 December 1958. (Documentation Catholique, 41[e] année, t. LVI, n. 1294, 4 January 1959, col. 37-38).

Although Pope John XXIII does not exercise the divine magisterium on such an extensive scale as his predecessor but consecrate himself specially to the task of supreme pastor, he is inspired nevertheless with the same idea of pacification and reconciliation. On the religious plane first of all, the proclamation of an ecumenical council was a proof of this. But it is likewise true in the sphere of international relations. In his first encyclical, 'Ad Petri Cathedram' (29 June 1959), the Holy Father made a moving appeal for unity, concord and peace. 'In a very special manner we urge this spirit of harmony and peace on the leaders of nations. Standing as we do above the conflicts between nations, we embrace all people with equal charity, and we are not moved by any desire for political domination or worldly possessions. In speaking of such an important subject, we believe that we can be judged calmly and without prejudice, and be listened to by men of every nation'. The basis of this peace is to be found in the fact that God has created all men brothers, and that the fruits of the earth are intended for the good of all. The following passage is worthy of note, stating clearly, as it does, the principle of international order: 'God did not create men enemies, but brothers. He gave them the earth to cultivate by their work and efforts, so that all might enjoy its fruits and draw from it what they require for their sustenance and various needs. Nations are nothing but communities of men, that is to say, of brothers, who have to strive in fraternal union not only for their own individual ends but also for the common good of all humanity. This social goal of human life is further emphasised by the fact that all men are called to the same destiny, not only in this present life but also in the next'.

International peace is, according to Pope John XXIII, the necessary condition for the welfare of nations. 'If we are truly searching for peace and not war — and this is our duty — and if we strive in a sincere and common endeavour for fraternal union between nations, then only will it be possible to recognise the national interests of each and bring all conflicts to a happy end. Thus it will be possible to secure, in common agreement and with adequate means, that unity which is so longed for, and in which the rights of each State to freedom will not

be trodden under foot by others, but will be firmly defended. Those who oppress others, those who strip them of their freedom, can certainly not contribute to this unity... If the nations do not achieve this fraternal union, the state of the world will remain grave. And the threat of a war will continue which will inflict on all peoples, both victors and vanquished, an immense disaster and universal ruin...' ([5]).

Private and scientific teaching of the Church's international doctrine.

The teaching of the Church's official magisterium is finding an echo not only in Catholic circles but also throughout the world. 'When the Pope speaks, the whole world listens'. This progress of Catholic international thought is manifested in the work of learned and scientific groups of which it is impossible to draw up a complete list. We shall point out some fairly recent works, though not the latest, which testify to the preoccupation of a Catholic élite with international problems. First of all there are the two codes drawn up by the Union de Malines (the International Union for Social Studies): 1. the *Code of International Ethics,* the first edition of which dates from 1948, and which is still the most complete manual of international ethics; 2. the *Code of Political Morality,* which appeared in 1957, and the last chapter of which is devoted to the State in the international sphere ([6]). A work which gives undoubtedly the most brilliant account of universal Catholicism is '*Bilan du monde. Encyclopédie catholique du monde chrétien*' ([7]). The work itself is a mirror of the Church's catholicity, for it is the result of the collaboration of experts and Catholic institutions from all over the world. But it is Catholic in a deeper sense than the merely geographical meaning that it deals with men of every race and nation, for it embraces in its scope everything that is human, man

([5]) *La Documentation catholique,* 41[e] année, t. LVI, n° 1308 (19 juillet 1959), col. 901-903.

([6]) *Code de morale politique,* Éd. Spes, Paris.

([7]) Collection *Église Vivante,* Casterman, Tournai, 1958. (The second volume is to be published soon).

in his entirety, and in his relationship with the Father of all men. Thus it envisages 'the presence of the Church on a threefold level: *on the universal, world level,* because in the constant interplay of forces in the world there are a number of common co-ordinates requiring the attention of all, and the Church is herself a world institution, organising the bonds which unite all men in Jesus Christ; *on the level of geographico-cultural groups,* because in a world which is compelling the collective consciousness of various groups and nations into contact with one another, the participation of Catholics on this level is an expression of their goal of catholicity; lastly, *on the level of each country* in the world, for it is in this framework that Catholics and all men learn to see beyond the limited range of their day-to-day vision... The scheme therefore of this balance-sheet of the world is this: three divisions, the world, geographico-cultural groups, and countries, and in each division there are two sections, the social and the cultural state, and then the presence of the Church'. This simple statement of the scheme gives only a glimpse of the abundant documentation that is provided. A book of this kind enables Catholics of today to enlarge both their view and their heart to the dimensions of the world.

This is what some seminarists and young lay people of Flanders have tried to do in a small publication, 'Wereld en Kerk' (The World and the Church), in which they give a summary first of all of the Church's attitude to the community of nations, with a brief account of the international organisations: the United Nations and its allied bodies, international pacts and agreements, non-governmental organisations, international Catholic organisations, lay missionaries, a special chapter dealing with the Belgian Congo, and finally a mass of practical information destined to stimulate and direct the international sense of Catholics. It is a happy sign of the times that this brochure is a result of collaboration between a working team of the seminarists of Malines under the name of Unitas, and young lay people engaged in Catholic Action ([8]).

Above all it was the directions and incessant appeals of Pius

([8]) *Wereld en Kerk,* S. Michielswerk Unitas, Groot Seminarie, Mechelen.

XII which contributed to the awakening of an international conscience in the Catholic world. These also inspired a number of works which attempted to compose a synthesis of the Sovereign Pontiff's international thought: a synthesis which remained incomplete so long as the Pope was still living. A sample of this is the work by Father Arès, 'L'Église catholique et l'organisation de la société internationale' published in Montreal in 1950 and dealing with the documents and discourses of Pius XII during the first ten years of his pontificate, 1939 -1949. On the other hand the book by Archbishop Guerry of Cambrai, *'l'Église et la communauté des peuples'* was completed at the moment of Pope Pius XII's death, 9 october 1958. At present it constitutes the fullest exposition of the Pope's international doctrine which we have (°). Basing himself on the Sovereign Pontiff's texts, which he frequently places in their historical context, the author deals with the foundations of the community of nations; this community must now create for itself an international public order (chap. 2) the highest law of which is international charity, which in turn produces peace; in such a community all peoples and nations have their rights and their duties towards one another (chap. 3); obstacles of an ideological, psychological, military and technical nature stand in the way of the creation of this international order (chap. 4); here the author has the opportunity to treat of the problems raised by new weapons; finally, in the last chapter, the relations of the Church with the community of nations, as well as its contribution to the latter and to the organisation of the United Nations are developed. The author insists rightly on the practical and realistic character of the teaching of Pope Pius XII; for while the great elevation of thought is readily acknowledged in Pius' pronouncements, this praise often means that the doctrine is an object of admiration rather than a program of action. Archbishop Guerry's work endeavours to show that while the Pope's directives issue from very noble principles, they have a very practical value, because they are applied constantly to the practical realities of the present

(°) Archbishop Guerry, *L'Église et la Communauté des peuples, La doctrine de l'Église sur les relations internationales: l'enseignement de Pie XII.* Bonne Presse, Paris, 1958.

world. A deeper study of this doctrine will make it possible, we believe, to draw out its main guiding lines; it will have to start from a clear idea of the international common good, which is the proper object of international justice. Indeed, this concept of social justice dominates all social morality, and its work is peace: 'Opus justitiae pax', as Father A.F. Utz has demonstrated with great vigour ([10]). The whole life of Pope Pius XII was, in accordance with his motto, consecrated to the building of peace. His teaching has given us the '*Catholic Code of Peace*', as Msgr Xavier Zupi, a counsellor in the apostolic nunciatures in Belgium and Luxembourg, has shown in a fine little book ([11]).

The present situation of the world, which is one of progress towards unity, obliges Christians to extend their interest and their efforts to the whole human race and to co-operate energetically in bringing the nations together in one international community. Canon J. Leclercq gives some valuable reflexions on the duties of Catholics in the matter of the unification of the world in the work which Prof. J. Ladrière has already analysed for us: '*Le Chrétien devant la planétarisation du Monde*' ([12]).

But have we the right in fact to talk about world Catholicism when the number of Catholics spread out all over the world is equal only to the population of India more or less ? J. Folliet has given a brilliant reply to this question in a little book which opens vast horizons: '*Le Catholicisme mondial aujourd'hui*' ([13]). He begins with a comparison between the years 1858 and 1958: in 1858 people were sounding the death-knell of the Church, but the year 1958 gives an abundant demonstration of the vitality and spiritual power of this Church which has so often been buried ! The second chapter traces the geography of contemporary Catholicism: its catholicity in space. The third chapter gives us the demographic and sociological elements of contemporary Catholicism; and here one can see how a right use of sociolo-

([10]) Arthur Fridolin Utz, *Sozialethik*, vol. 1, *Die Prinzipien der Gesellschaftslehre*, Kerle, Heidelberg and Nauwelaerts, Louvain, 1958.

([11]) *Code chrétien de la Paix*, Collection Études religieuses, n° 727, La Pensée Catholique, Brussels, 1957.

([12]) Collection *Je sais, je crois*, Librairie A. Fayard, Paris, 1958.

([13]) Les Éditions du Cerf, Paris, 1958.

gical data, such as we can expect from Professor Folliet, contributes to a more adequate and lively appreciation of the situation of the Church. In the fourth chapter the author brings out the great problems which the Church of our time has to face; we shall return to these later. This mission of the Church today has an influence also on its spirituality and calls out new forms and new ways of holiness; these are the pages which captivated us most. Finally, the author asks what the world of today expects from Catholicism. This small book of 181 pages is to be highly recommended for its tightly packed doctrine and lucidity of faith.

Key Problems of our time

In the work which we have just analysed, J. Folliet enumerates the great problems confronting contemporary Catholicism: 'Problems of the laity, missionary problems, problems of the relations between religion and culture in a world which is growing more and more unified, problems of the new countries and their needs both material and spiritual, problems of the adaptation of Christianity to non-European peoples, problems of international relations within Catholicism, problems of the interaction and relative importance of the spiritual and temporal, problems concerning the individual and collective attitude of Catholics in the technological and urban civilisations which with modern means of transport and communication facilitate world assemblies' (pp. 82-83). We shall single out from among these various problems those which on account of their immediacy have provoked the liveliest interest.

A.- *The Problem of the Under-developed Countries*

The readers of this review are already acquainted with the work of Father L. J. Lebret, *'Suicide ou survie de l'Occident'* ([14]). The author wrote this book 'with his heart full of anguish' (p. 369). This means that we must not look here for a cold and impartial exposition, since the author never forgets

([14]) Collection *Économie et humanisme*, Les éditions ouvrières, Paris, 1958 (second edition).

for a moment that we are all closely united members of the human race. His treatment falls into three parts: 1. an examination of the present state of the world: the frightful disparity between the living conditions of the developed and under-developed countries; 2. the diagnosis: the privileged countries do not understand this situation and their efforts are too restricted and too self-interested to remedy this tragic situation completely; 3 the treatment: here the author sets forth the conditions for a new civilisation which could be truly called human. This work, however impassioned it may be, is based on an extensive documentation, drawn from the best sources, and the writer's personal observations in sixty different countries. However slow, clumsy and egotistical the privileged nations may be, the author holds firmly to the hope that the hard reality of things will eventually, and quite soon, force itself on the conscience of the world: 'Beneath all deviations and pretences the right of all men to share the fruits of the exploitation of the earth, is henceforth a claim that is formally and tacitly accepted' (p. 311).

The great problem of the hour — it is already a commonplace to say so — is the problem of improving the under-developed countries and finding a remedy for their plight. This is the idea which the barrister, R. Scheyven, a Christian Social Representative in the Belgian Parliament and former President of the Economic and Social Council of the United Nations, has preached with apostolic zeal. In the book, '*Pensée chrétienne et communauté mondiale* ([15]), he has once again put forward and developed the three motives for giving effective aid to the under-developed countries: motives of a moral, political and economic order. The practical solution which he advocates — but, alas, without success up to the present — consists in the creation of a special fund, an international fund, which would provide money for the countries in need of it in order to set their economic and social structures on secure foundations, and which, working with the World Bank, would have at its disposal 1,000 million dollars a year. Since the

([15]) Collection *Recherches et Débats du Centre catholique des intellectuels français*, Cahier 23, Librairie Fayard, Paris, 1958.

military budget of the West amounts to 85,000 million dollars a year, could we not find just 1,000 million dollars to help those populations which are dying of hunger ? Here we have, as R. Scheyven says, a new meaning and a new direction for social justice.

But must the Catholic world wait, with folded arms, till the moment when the favoured nations realise their duty ? The bishops of Germany have thought not; they organised during the Lent of 1959 a general collection in all their dioceses for the disinherited peoples. In this way they gave to the old precept and the old practice of almsgiving in Lent a fresh international objective, appropriate for educating the international conscience of the people of God in the Church. Could this example not be followed throughout the whole Church ? To open the minds of the Catholics of his own country, Werner Pank then published a booklet, *'Der Hunger in der Welt. Solidarität oder Klassenkampf zwischen den Völkern'* (Hunger in the world. Class unity or class struggle among the nations) ([16]). Basing himself on the writings of eminent authors such as De Castro, Lebret and others, and using original documents for his sources W. Pank describes the phenomenon of hunger in the world and its consequences. The demographic explosion in the poverty-stricken countries makes the problem even more complicated and acute; the measures of assistance employed by the peoples of the West, birth-control, emigration, financial and technical assistance are examined for their effective worth. But Moscow's interference constitutes another complication. Lastly, Pank enquires what the famine countries can and must do for themselves: the problem of agrarian reform and of the industrialisation of these countries. All these questions are treated in this small book in a remarkably able fashion; it is a model of good popularisation, and its value is increased by an international bibliography which is, one might say, exhaustive.

One of the most striking of Pank's ideas is that of the connexion between famine-stricken countries, coloured peoples, and colonisation. He develops this in the fifth chapter of his

([16]) Verlag Herder, Freiburg im Breisgau, 1959.

book: 'Der Hintergrund: Das Erbe des Kolonialismus. Der Nationalismus der farbigen Welt' (The Background: the heritage of colonialism. Nationalism among the Coloured Peoples). The fact is undeniable: the peoples suffering from hunger are in general the coloured peoples who have been or still are in a state of colonisation. Their nationalism is of recent date, often badly directed and suffering from growing pains, has been learnt from the white peoples who ruled over them. But this youthful nationalism of the coloured peoples is rising up against the domination of the white races. The era of decolonisation has opened.

At the moment of writing, the work of the forty-sixth session of the Semaines Sociales in France (held in Angers) is drawing to a close. These sessions have been devoted to the rising nations in the human community. We must wait for the publication of the results of this Semaine Sociale, which faithful to its tradition has contributed collective work of great importance to one of the main human problems of the present day. In his letter to Charles Flory, the President of the Semaines Sociales, Cardinal Tardini, the Secretary of State to His Holiness John XXIII, emphasised the scandalous contrast between the wellbeing of certain nations and the inadequate standard of living of others: 'The first sessions of the Semaine Sociale will, according to custom, make an objective examination of the facts. They will draw up an account of the living conditions of those numerous nations which in face of the development of other regions of the world, 'are becoming conscious (sometimes alas in a spirit of revolt) of the scandalous contrast between the wellbeing of some and the insufficient living standards of others' (Radio Address of His Holiness, 18 February 1959). The tension resulting from such a difference in living standards is sometimes heightened and exploited by treacherous propaganda. But who can contest the legitimate aspirations of millions of men to be saved from the permanent menace of famine and endemic diseases, and their longing also for better social conditions and a just raising of their status in the great family of nations ?

There is today an indisputable duty in justice and charity

towards men to do everything to ensure subsistence for these underfed peoples, to carry out everywhere a more rational exploitation of the soil and subsoil for the benefit of a world population, which is growing rapidly, and in order to safeguard at the same time the social equilibrium of the regions affected by this economic development. Simultaneously, it will be fitting to give select and worthwhile groups of all countries and all races larger opportunities for education and culture, as well as for undertaking the responsibilities of civic life and, at the appropriate time, a reasonable exercise of legitimate political liberties. No man conscious of the world situation and of his own duty can help but see in these tasks — and they are truly considerable — a grave obligation resting on our generation, for which we must consent to the necessary sacrifices...' ([17]).

B.- *The colonial Problem*

Although the colonial problem is not new — it has a history stretching back over many centuries — everyone agrees that it has developed an extreme virulence, especially since the second world war, and that it is the cause of numerous and dangerous upheavals. It is astonishing therefore to read in the foreword of a book devoted to the questions raised by colonisation: 'It completely fills... a gap, and it will be the only work of its kind...'.

This statement may possibly appear pretentious, but we believe that it is true. There are of course many works on the rights of colonisation; as early as the sixteenth century, Father de Vitoria turned his attention to it, and others after him. But one cannot find any sort of Summa or synthesis on colonial problems, and it is the great merit of the authors of the book *'Initiation aux problèmes d'Outre-Mer. Colonisation, décolonisation, sous-développement'* ([18]), that they have filled this gap

([17]) See *La Documentation cathólique*, n° 1309, 2 August 1959, col. 962-963, which contains also the opening lecture of Charles Flory, a summary of the classes, and the conclusions.

([18]) J. Blardone (a.o.), *Initiation aux problèmes d'outre-mer. Colonisation, décolonisation, sous-développement*. Éd. Chronique sociale de France, Lyon, 1959.

This work, published in the collection «Savoir pour agir», follows up two other 'initiations': 'Initiation économique et sociale' and 'Initiation civique', which have both met with well-earned success. It is addressed not to specialists but to men of action, especially to the young and the militants who wish to know in order to act. It is the result of the work of a team of specialists, namely, Gilbert Blardone, an economist, Raoul Padirac, an expert in international law, Joseph Folliet, a sociologist, and two priests, Father Paul Catrice, an expert in social questions in overseas countries, and Father Gabriel Matagrin, chaplain to the Social Secretariate in Lyons. They are all Frenchmen and their work comprises a large number of chapters and appendices dealing with the situation, evolution, legislation and social and political institutions in the overseas possessions of France. But other chapters have a more general bearing and interest. Take for instance the first chapter which provides a very instructive and brief statement of the phenomenon of colonialism, and the second chapter which studies the sociology of this phenomenon; and the third chapter which shows the difference between colonisation and colonialism, and passes judgment on both. But from the moral and practical point of view, the fourth chapter seems to us the most interesting. Here the writers draw up a balance-sheet of the colonial phenomenon, giving a fair assessment of the good and the harm it has produced, the active and the passive aspect of this historic phase which now seems to be over. This, however, does not mean that the colonising nations can henceforth wash their hands of their old colonies and leave them to their fate. They must be on their guard against a twofold temptation: that of resisting the legitimate aspirations of those peoples of whom they have been the guardians, and that of abandoning them at the moment when they are passing from a state of inferiority to one of political independence. In the sixth chapter the writers examine and discuss the ways in which this emergence from colonial status can and must be effected. We must also call attention to Chapter XII for the sake of its valuable documentation, treating, as it does, of the Catholic Hierarchy in face of the problems overseas. We do not have any ency-

clical devoted especially to these problems, but the elements of a solution can be pieced together from various papal and episcopal documents. In brief, therefore, this book keeps its promise and fills a gap.

C.- *The Question of Modern Warfare*

The problem of war has been with us always, in every age; and so moralists of every generation have pored over questions such as the prevention of war, the conditions of a just war, etc.

Modern scientific progress, especially in chemistry, physics and mathematics, and its application to millitary strategy, have renewed this old problem in a very acute fashion. Does nuclear energy spell liberation or destruction for the human race ? This is the dilemma confronting mankind. And this was the central theme also of the discussions in 1958 of the *'Rencontres internationales de Genève'*, of which the lectures have just been published in full, together with the stenographer's report of the discussions which followed the lectures ([19]). The 1958 session did not deal with atomic discoveries in themselves, but with their effects (in so far as these can be ascertained or foreseen at the moment) on the life of mankind. The aim therefore was to study the biological, social, moral, philosophical, spiritual and religious implications of the new discoveries. To present and discuss these problems, an areopagus of learned celebrities had been invited, representing a wide variety of subjects and trends of opinion. The assembly found itself divided and torn between the dreadful threat of a war of total destruction and the marvellous promises of these new discoveries which were capable, people said, of transforming the world into an eartly paradise.

It is not possible for us to give a summary of these conferences, and still less of the discussions, which also digressed frequently on to much wider topics such as the relationship between technology and culture, between science and religion, etc...

The Christian Churches also made their voices heard in this

([19]) *L'Homme et l'Atome*, Éditions de la Baconnière, Neuchâtel, 1958.

assembly, and were listened to with respect and sympathy. Pastor Mark Boegner gave the Christian answer, that is for the Protestant Churches, to these threats and promises. He recalled the attitude adopted recently by the National Synod of the Reformed Church of France, by the Anglican Bishops' Conference at Lambeth and by the World Council of Churches (1948 and 1957), and then the statements and positions taken up by several individual Protestants such as Albert Schweitzer and Professor von Weiszäcker, one of Germany's great atomic scientists who refused to place his scientific knowledge at the service of the German army.

We must note that the Protestant Churches did not commit themselves definitely and decisively on the question whether the use of nuclear weapons should be condemned in all circumstances, nor did they make a definite statement on the allied question of absolute or partial pacifism. Some people said that the use of these weapons is morally indefensible in every case; others were of the opinion that as long as these weapons are in existence and can be used by possible adversaries, we must take account of this possibility and, in case of need, defend ourselves against injustice with the same weapons.

It is common knowledge that this problem is being hotly debated in certain political parties, as for example in the British Labour Party, and has set up the same tensions. His Holiness Pius XII, who spoke frequently on the subject of war and peace, spoke also on this problem in a careful but realistic fashion. 'In present circumstances', as he said repeatedly, with the hope that mankind will soon enter a phase in which recourse to arms will be made impossible, 'a state or groups of states have the right to defend themselves against unjust aggression with the same weapons as the aggressor, once all other means of preserving peace have been exhausted'. He adds however: 'When the use of this means involves such an extension of the evil that it gets entirely beyond man's control, its use must be rejected as immoral. In this case it would no longer be a matter of 'defence' against injustice, and of legitimate 'safeguarding' of lawful possessions, but of the annihilation of all human life within the radius of action. This is not permitted

under any circumstances...' ([20]).

Pastor Mark Boegner was succeeded at the rostrum of the '*Rencontres internationales de Genève*' by the Very Reverend Father Durbarle, O. P., who emphasised the ambivalent nature of nuclear energy in 'The Promises and Threats of the Atom'.

While taking full account of the threats which now hang over mankind as a result of the discovery of nuclear energy, Father Dubarle professed his faith in the victory of human reason and above all in the power of the love which has come to dwell in the world with Christ. 'It is right for the Christian to think that now when atomic power has become one of the realities of man's everyday life with all its threats and promises, it is but an invitation to him and all his brethren to bring into this world a little more of the essential love' (p. 139). The common danger must draw men together. The law of charity is more than ever now the law of life for mankind.

D.- *Europe's Mission*

The unity of Europe, which is a pressing necessity for the safety of its future, is still nothing more than a noble idea with numerous obstacles in the way of its realisation. This unity can be achieved only when Europeans themselves have re-discovered their faith in Europe's mission which, in the words of Pope Pius XII, is pre-eminently a spiritual mission: '...Over and above the economic and political objectives, united Europe must take on the mission of affirming and defending the spiritual values which in days gone by constituted the foundation and support of its existence; it was its vocation in former times to hand these on to other nations, but today it must seek them again with painful effort, so as to save itself. By these we mean the authentic Christian faith which is the foundation of its own civilisation and culture, and of those of every other nation...' ([21]). In an interesting booklet, Father Kerkhofs, S. J. has analysed for the young people of his country

([20]) Allocution on 30 September 1954. For a fuller treatment of Pope Pius XII's thought, see the work, already noted, by J. Leclercq, pp. 85-91, and the book by Bishop Guerry, chapter V, especially pp. 231-239.

([21]) Adress to the students of the Collège d'Europe, 15 March 1953.

what precisely constitutes the essence of western humanism and of its manifestation in the architecture of the West. This European spirit is not a continental nationalism. On the contrary, Europe being geographically and culturally an intercontinental crossroads, owes it to herself to remain open to all cultures and to cooperate actively in setting up an international order based on federalism. It is to the creation of such a Europe that the author invites the young ([22]).

This report must now be brought to a conclusion for it is already too long, and yet incomplete. But I can find no better conclusion than the one expressed by Folliet: 'What in fact does the world expect from the Catholic Church ? It expects it to be catholic, that is to say, universal, and that the thoughts and acts of each one of us should be impregnated with this catholicity...'.

'We are now in the age of catholicity. Stimulated by the dizzying progress in means of communication and transport, and necessitated by the growing interdependence of economies and cultures, the unity of the world is being effected beneath the struggles and conflicts, the blood and tears. But with the concrete factual unity there is no corresponding unity of right, and still less a unity of minds. And at any moment a pitiless war may break out which could undo everything and hold up the caravan of mankind for centuries ! To correspond with the unification of the world there must be a universality of conscience. Independent of any nation, race, civilisation or culture, universal de facto and de jure in extent of space and time, the Catholic Church is alone able to inspire this universality of conscience... Catholicism is the religion designed for an age that is devoted to the universal...' ([23]).

(Translated by John Joyce S.J.)

([22]) J. Kerkhofs S.J., *Onze roeping in Europa* (Our mission in Europe), Bruges, Desclée de Brouwer, 1958.

([23]) *Op.cit.*, pp. 177-178. Cf. also, *La Communauté mondiale et l'universalisme chrétien*, by His Eminence Cardinal Lercaro in *Pensée chrétienne et communauté mondiale*, pp. 87-110.

Book Reviews

Eberhard Welty O.P., Herders Sozial Katechismus III. Band Freiburg, Herder, 1958, in-16, 483 p.

We owe a debt of gratitude to Father Welty for the indefatigable industry with which he has been working for several years on this monumental work, of which Book I of Part III has just appeared. Once more the author insists on the fact that this book is written primarily for those who are not specialists (fachkundig) in the matter (p. VI).

The first chapter deals with the doctrine of property, and gives a clear and abundant statement of the problem. But it is to be regretted that the author does not bring out sufficiently clearly the twofold aspect of property, namely, the individual and the social. As for the arguments proving the right to property, it is regrettable that the author has not sufficiently emphasised the dignity of the human person as a basis of this right. Yet the author quotes passages from «Rerum Novarum» which deal with this subject (pp. 26-27). The real arguments which he gives us are utilitarian. Consequently one must not be surprised that in the final count the author believes that revelation alone is able to provide an answer (p. 15, note 2).

In another chapter Father Welty deals with the ethics of work. His introduction concerning the phenomenology of labor is rather weak, but it is made up for by a study of work in 'the age of mechanisation', which one finds nowhere else in the classical manuals on ethics. But could not the author be asked to draw a clearer distinction between the different varieties of machines, such as steam, electric and electronic machines ? In this way the problem of automation could be stated more clearly, and more attention could be devoted to the problem of leisure. Only a few lines are given to this (p. 170).

In the paragraph on unemployment, one looks in vain for a moral judgment on assistance to the unemployed.

The final chapter on the problem of wages and allied questions, is perhaps the best in the whole book. It is a remarkable piece of work. Possibly some captious people may find Father Welty's argu-

ments on co-management as a natural right a trifle complicated, or perhaps over-subtle (pp. 383-388).

But these are trifling criticisms, and cannot diminish the exceptional value of this masterly work.

L. Lauwers

Karl Marx, *A World Without Jews,* edited and with an introduction by Dagobert D. Runes. New York, Philosophical Library (The Wisdom Library), 1959, 51 pages.

The reprinting of this little work by Karl Marx is timely. In the communist countries a veritable pogrom has broken out once more, inspired and supported by the Party that is now in power.

This attitude of the communists is consistent and logical, and Marx himself deduces it from the fundamental principles of his system: the dialectic, the alienation of the human person, and the primacy of the political order over social life. Doubtless antisemitism has undergone a certain evolution. In the nineteenth century the problem was confined to the social and religious sphere; but in the twentieth century, as a result in particular of Nazi influence, it has become a racial question.

The real value of this brochure lies in the view it gives us of the evolution of Marx's own ideas.

In his concept of the State, Marx adheres explicitly and formally to Hegel's doctrine: '...the State can define the universal nature of its law, the principle of its form, and so bring itself into existence...' (p. 12); this is quoted by Marx from Hegel's book, *Philosophy of Law.*

Religion therefore is only a form of life of bourgeois society. The conflict between religious and civic duties is solely an aspect of the 'general secular contradiction between the political State and bourgeois society' (p. 21).

The only true human order is the political. Thus, according to Marx, it is impossible to say that purely political rights (citizen's rights) are subordinate to natural rights (the rights of man); but completely the opposite. According to him, political society is the final goal to which all the rights of the individual, even natural rights, must be subordinate, as means of attaining this single and unique goal.

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